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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 53—GRADING AND CERTIFICATION OF MEATS, PREPARED MEATS, AND MEAT PRODUCTS

Pursuant to the authority vested in the Secretary of Agriculture by the Agricultural Marketing Act of 1946 (Title II of the act of Congress approved August 14, 1946, 60 Stat. 1087) and the act of Congress approved July 30, 1947 (61 Stat. 523), and in accordance with the public notice issued by the Secretary of Agriculture on November 17, 1947 (12 F. R. 7843), the regulations governing the grading and certification of meats, prepared meats, and meat products (7 CFR and Supps. 53.1 et seq.) under the Farm Products Inspection Act are hereby amended to read as follows:

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AUTHORITY: §§ 53.1 to 53.42, inclusive, issued under Title II, act of Aug. 14, 1946, 60 Stat. 1087 and the act of July 30, 1947, 61 Stat. 523.

DEFINITIONS

§ 53.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 53.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *The acts.* The Agricultural Marketing Act of 1946 (Title II of the act of Congress approved August 14, 1946, 60 Stat. 1087) and the following provision of the act of Congress making appropriations for the Department of Agriculture for the fiscal year ending June

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FEDERAL REGISTER

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30, 1948, and for other purposes, approved July 30, 1947 (61 Stat. 523), or a similar provision of any future act of Congress conferring like authority:

For the investigations and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may

prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered.

(b) *Department.* The United States Department of Agriculture.

(c) *Secretary.* The Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated or may hereafter lawfully delegate the authority to act in his stead.

(d) *Administration.* Production and Marketing Administration of the Department.

(e) *Administrator.* The Administrator of the Administration, or any officer or employee of the Administration to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(f) *Person.* Individual, association, partnership, other group of individuals, or corporation.

(g) *Financially interested party.* Any person having a financial interest in the products involved, including but not limited to the shipper, receiver, or carrier, or any authorized person acting on behalf of such party.

(h) *Applicant.* A financially interested party who requests product grading services.

(i) *Official grader.* An employee of the Department authorized by the Secretary to grade products and investigate and certify to shippers and other financially interested parties the class, grade, other quality designation, quantity, or condition of products under the acts.

(j) *Supervisor of grading.* An official grader or other qualified person designated by the Administrator to supervise grading, grade identification, and certification of products and to maintain uniformity thereof under the provisions of the acts and the regulations.

(k) *Regulations.* Rules and regulations of the Secretary in this part.

(l) *Products.* Meats, prepared meats, meat food products, and meat by-products prepared under Federal inspection, or under State, county, municipal, or other inspection acceptable to the Administrator.

(m) *Meat.* The skeletal part of cattle, sheep, swine or goats intended for human food with or without the overlying fat, portions of bones, skins, and other normal components of the flesh, and the edible part of the muscle found in the tongue, the diaphragm, the heart, and the esophagus.

(n) *Prepared meats.* The product intended for human food obtained by subjecting meat to a process of drying, curing, smoking, cooking, comminuting, seasoning, or flavoring, or to any combination of such processes, to which no considerable quantity of any substance other than meat or meat by-products has been added.

(o) *Meat food products.* Any articles of food or any articles which enter into the composition of food for human consumption, which are derived or prepared, in whole or in substantial and definite part, by a process of manufacture, from any edible portion of cattle, sheep, swine, or goats.

(p) *Meat by-products.* All edible parts, other than meat, intended for human food, derived from cattle, sheep, swine, or goats, and including such organs and parts as, livers, kidneys, sweetbreads, brains, lungs, spleens, stomachs, tripe, lips, snouts, and ears.

(q) *Carcass.* The commercially prepared parts as livers, kidneys, sweetbreads, sheep, swine, or goat intended for human food.

(r) *Designated market.* Any shipping, receiving, handling, or distributing point designated by the Administrator as an important central market where products are prepared, shipped, or distributed in commerce in considerable quantity and may be graded and certified under the acts.

(s) *Designated location.* A point designated by the Administrator, with activities similar to those of a designated market and readily accessible therefrom, to which services can be extended conveniently by the Administrator in accordance with the provisions of the acts.

(t) *Grading service.* A service authorized by the acts and established and conducted under the regulations in this part for the purpose of determining and certifying the class, grade, other quality designation, quantity, or condition of products.

(u) *Office of grading.* The office of an official grader.

(v) *Grade*—(1) *Noun.* An important commercial subdivision of a product based on certain definite and preference-determining factors, such as conformation, finish, and quality in meats.

(2) *Verb.* To determine the class, grade, other quality designation, quantity, or condition of products according to official or tentative standards for such products, or to determine the compliance of products with specifications.

(w) *Class.* A subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or species.

(x) *Quality.* A combination of the inherent properties of a product which determines its relative degree of excellence.

(y) *Condition.* The physical characteristics of a product which affect its merchantability, with special reference to its state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food.

(z) *Standards.* The official and tentative standards of the Department for the class, grade, other quality designation, or condition of products (7 CFR, 1946 Supp., 53.101 et seq.).

(aa) *Specifications.* The descriptions of official and tentative standards for products, Federal specifications for products, or such other specifications as may be approved by the Administrator.

(bb) *Grade certificate.* A certificate issued by an official grader showing the class, grade, other quality designation, quantity, or condition of products graded.

(cc) *Certification of products.* The preparation and issuance of signed grade certificates as required under the provisions of the regulations in this part.

(dd) *Grade identification.* A name or symbol denoting the official grade of products graded or the record of same on an official certificate.

(ee) *Grade-identifying device.* A brand, stamp, seal, mark, or other device approved by the Administrator to be applied to products or to the containers thereof so as to indicate the grade or condition of such products as determined by an official grader.

(ff) *Appeal.* A request by a financially interested party for appeal grading and certification.

(gg) *Appeal grading.* The act of grading and certifying products in response to an appeal from original grading and certification.

(hh) *Fees.* Charges to cover costs of grading services rendered.

(ii) *Container.* A receptacle, wrapper, or covering in which products are customarily packed and delivered to the meat trade or to consumers.

(jj) *Immediate container.* A unit carton, can, pot, tin, casing, wrapper, or other receptacle or covering in which products are customarily packed and delivered to the meat trade or to consumers.

(kk) *Shipping container.* A carton, box, bag, barrel, crate, or other receptacle or covering enclosing products packed in one or more immediate containers.

(ll) *Cooperative agreements.* Agreements between the Administration and other branches of the Federal Government, State agencies, and other agencies or persons as specified in the acts to conduct cooperatively product grading services under the acts and the regulations in this part.

ADMINISTRATION

§ 53.3 *Authority.* The Administrator is charged with the administration of the provisions of the regulations in this part and of the acts in so far as they relate to the subject matter of the regulations, and he is authorized to designate important central markets and other locations and to issue such instructions as he may deem proper and necessary for the conduct of the service.

WHERE SERVICES MAY BE OFFERED

§ 53.4 *Designated markets and locations.* Grading and certification services in accordance with the provisions of the acts may be offered, at the discretion of the Administrator, at designated markets and designated locations.

§ 53.5 *Denial or withdrawal of grading service for administrative reasons.* The Administrator may deny grading services to, or withdraw them from, any designated market or designated location, or applicant, when he deems such denial or withdrawal to be in the interest of the service. Published notice shall be given of the denial or withdrawal of grading services from any designated market or designated location and notice shall be given to the applicant of the denial or withdrawal of grading services to or from such applicant.

GRADING SERVICES

§ 53.6 *Kind of service.* Examination, identification, and certification of products may be made according to the Federal standards for class, grade, other quality designation, quantity, and con-

dition, or according to specifications approved by the Administrator for this purpose.

§ 53.7 *Request for establishment of grading service.* Requests for the establishment of grading services at designated markets or at designated locations may be filed with the Administrator.

§ 53.8 *Who may obtain grading service.* Requests for product grading services may be made by any financially interested party, including common carriers and Federal, State, county, and municipal governments.

§ 53.9 *How to obtain grading service.* An application for grading service may be filed in an office of grading or with an official grader. It may be made orally (including by telephone), in writing, by telegraph, or by other means of communication. If made orally, the official grader or the office of grading may require that it be confirmed in writing or by telegram stating the facts required by § 53.10.

§ 53.10 *Form of application for grading service.* Each formal application for grading service shall include such of the following information as may be pertinent: (a) The date of the application; (b) the description and location of the product to be graded; (c) the name and post office address of the applicant or of the person, if other than the applicant, making the application in his behalf; (d) the interest of the applicant (except an official of the Federal Government or of a State government making application in his official capacity) in the product; (e) the name, post office address, and interest of all other known parties, except carriers, in the product; (f) the shipping point and destination of the product; and (g) the type of service desired.

§ 53.11 *When application for grading service deemed filed.* An application for grading service shall be deemed filed when delivered to an established office of grading. Records showing the date and time of filing shall be made and kept in such office.

§ 53.12 *Denial or withdrawal of grading service for cause.* (a) Any application for grading service may be rejected, or grading service may be suspended, by the official grader in charge of the office of grading in which the application for service is filed, for noncompliance by the applicant with the regulations prescribing the conditions on which the service is made available, or for any of the causes set forth in paragraph (b) of this section. The official grader shall immediately notify the applicant of such rejection or suspension and the reasons therefor, and through his immediate supervisor shall report his actions, with the reasons therefor, to the Administrator, for informal settlement of the controversy. If such procedure fails to dispose of the matter, the Administrator, without further hearing, may deny the benefits of the acts to the applicant for noncompliance with the regulations prescribing the conditions on which the service is made available; however, the applicant shall be accorded an opportunity for a hearing before a proper officer prior to final denial of the benefits of the acts for any of the causes enumerated in paragraph (b) of this section. Pending final disposal of the matter, grading service may be withheld from the applicant by the Administrator without hearing.

(b) Any wilful misrepresentation or fraudulent or deceptive practice made or committed by any applicant for grading service in connection with the filing of any application for grading service; any of the activities outlined in § 53.25; any interference with or obstruction of any employee of the Department in the performance of his duties under the regulations, by intimidation, threats, assaults, or any other improper means; and any wilful violation of the regulations or of the supplementary instructions issued by the Administrator may be deemed sufficient cause for denying any further benefits of the acts to the person found guilty thereof after opportunity for a hearing has been accorded him.

(c) All final orders in any proceeding to deny the benefits of the acts to any person (except orders required for good cause to be held confidential and not cited as precedents) shall be filed with the Hearing Clerk and be available to public inspection.

§ 53.13 *When application for grading service may be withdrawn.* An application for grading service may be withdrawn by the applicant at any time before the service is performed, upon payment of any expenses already incurred in connection therewith.

§ 53.14 *Authority of agent.* Proof of the authority of any person requesting grading service on behalf of another may be required at the discretion of the official grader.

§ 53.15 *Accessibility of product.* The applicant shall cause the products on which services are requested to be made easily accessible for grading and to be so placed, with adequate illuminating facilities, as to disclose their class, grade, other quality designation, quantity, and condition.

§ 53.16 *Basis of service.* Examination, identification and certification for class, grade, other quality designations, quantity, condition, or compliance with specifications, shall be based upon the official or tentative standards of the Department of Agriculture, Federal specifications, or such specifications of other public or private agencies using the service as have been approved by the Administrator.

§ 53.17 *Order of grading.* Grading services shall be rendered in the order in which the applications are received, except that precedence may be given to requests made by the Federal Government, a State, county, or municipality, and to requests for appeal grading under § 53.30.

§ 53.18 *Financial interest of grader.* No official grader shall grade any products in which he is directly or indirectly financially interested.

§ 53.19 *Certificates, issuance.* The official grader shall prepare, sign, and issue official certificates covering products graded by him unless through special arrangements approved by the Administrator this is not required, in which case complete records of the grading shall be furnished the Administration.

§ 53.20 *Certificates, form.* Certificates shall include as much of the following information as may be applicable: (a) The number of the certificate; (b) name of designated market and place of grading; (c) date of grading; (d) names and addresses of applicant, party in possession, and shipper and buyer if known; (e) the true class, grade, other quality designation, and condition of the products graded; (f) the exact number of carcasses, sides, quarters, cuts, and packages of products graded by classes and grades; (g) if previously graded, reference to previous certificate by number; (h) if rejected, reason for rejecting; (i) the weight of the products of each class, grade, or other quality designation, and the total weight of the lot; (j) the amount of time employed by the official grader and amount of fees and expenses to be charged to the applicant; (k) name of official grader or graders; and (l) additional facts necessary to describe fully the condition, class, grade, other quality designation, or quantity of the products.

§ 53.21 *Certificates, disposition of.* The original certificate and not to exceed two copies shall be delivered or mailed immediately to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the Administrator. Copies of certificates shall be kept on file until other disposition is ordered by the Administrator. Copies will be furnished to other financially interested parties as outlined in § 53.35 (d).

§ 53.22 *Certificate, advance information concerning.* Upon request of any applicant, all or any part of the contents of the certificate concerning products covered by his application may be transmitted by telegraph or telephone to him, or to any person designated by him, at his expense.

GRADE IDENTIFICATION

§ 53.23 *Evidence of grade.* As evidence to applicants, purchasers, consumers, and others of the class, grade, other quality designation, or condition of products graded under the acts, all such products or the immediate and shipping containers thereof shall bear a mark or marks which shall show in plain, prominently displayed characters the true grades of such products in accordance with the provisions of this section.

(a) *Products officially graded shall be identified for grade.* Products graded under the acts and in accordance with the regulations in this part shall be stamped, branded, or otherwise marked with an appropriate grade-identifying device bearing a name or symbol to show the true grade of such products according to the United States standards or their compliance with specifications, ex-

cept that such marks may not be required when an applicant only desires official certificates for class, grade, other quality designation, quantity, or condition.

(b) *Supervision of grade identifications.* Official graders shall stamp, brand, label, tag, seal, or otherwise identify the correct grade on products or supervise such operations when they are performed by others.

(c) *Grade-identifying devices.* The Administrator may authorize or approve devices for branding, stamping, or imprinting the official grade on products or the containers thereof or for indicating the compliance of such products with specifications.

(d) *What grade-identifying device shall show.* Each grade-identifying device shall bear a name or appropriate symbol approved by the Administrator clearly indicating the grade of the product, as determined by an official grader, and such other marks or symbols as may be required by the Administrator for service identification purposes.

§ 53.24 *Custody of grade-identifying devices.* All grade-identifying devices including those indicating compliance with specifications approved by the Administrator shall be kept in the custody of the Administration and accurate records shall be kept by the Administration of all grade-identifying and other related devices. Each office of grading shall keep a record also of the devices assigned to it. Such devices shall be distributed only by authorized employees of the Administration who shall maintain complete records of same.

§ 53.25 *Alteration or imitation of grade-identifying devices, marks, and certificates, etc., forbidden.* No brand, stamp, tag, or other grade-identifying device, or word, symbol, or legend thereof, or certificate or grade label authorized or approved under the regulations, shall be altered, defaced, imitated, or simulated in any respect or used for the purpose of misrepresentation or deception. (See § 53.12.)

APPEAL GRADING

§ 53.26 *When appeal grading may be made.* A request for appeal grading may be made by any financially interested party whenever he is dissatisfied with the class, grade, other quality designation, quantity, or condition shown on the officially graded and identified product or stated in the applicable certificate.

§ 53.27 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request for same with the Administrator (a) direct, or (b) through the official in charge of the meat grading service at the nearest designated market, or (c) through the grader who did the original grading. The request for appeal grading shall state the reasons therefor and may be accompanied by a copy of any previous grading certificate or report or any other information which the applicant may have received regarding the product at the time of the original grading. Such request may be made orally (including by telephone), in writing, by telegraph, or otherwise. If made orally, the person receiving the request may require that it be confirmed in writing in the same manner as specified in §§ 53.9 and 53.10 for obtaining grading service. Requests for appeal grading received through the office of grading or an official grader shall be transmitted promptly to the Administrator for instructions.

§ 53.28 *When appeal may be refused.* If it shall appear that the reasons stated in a request for appeal grading are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original grading, or that the products cannot be made accessible for thorough examination and grading, or that the identity of the products has been lost, or that the regulations prescribing the conditions on which the grading service is made available have otherwise not been complied with, the request for appeal grading may be denied by the Administrator. A request for appeal grading may also be denied, after opportunity for hearing before a proper officer has been accorded the applicant, for any of the causes enumerated in §53.12 (b), and pending investigation and hearing the applicant may be denied the benefits of the acts by the Administrator without hearing. The provisions of § 53.12 (c) shall also apply to final orders granting or denying appeal grading service.

§ 53.29 *When appeal may be withdrawn.* A request for appeal grading may be withdrawn by the applicant at any time before the regrading has been performed upon payment of any expenses incurred by the Administration in connection therewith.

§ 53.30 *Order in which appeal gradings shall be made.* Appeal gradings shall be performed as far as practicable in the order in which requests are received. They shall take precedence over all other pending grading requests.

§ 53.31 *Who shall make appeal gradings.* Appeal grading of products shall be made by official graders designated therefor by the Administrator or by the person in charge of an office of grading, when so authorized by the Administrator, and such grading shall be conducted jointly by two official graders when practicable. No official grader shall pass upon the correctness of his own grading or of a certificate issued by him.

§ 53.32 *Appeal grading certificate.* Immediately after an appeal grading has been made, a certificate designated or marked as "appeal grading certificate" shall be prepared, signed, and issued referring specifically to the original certificate and stating the class, grade, other quality designation, quantity, or condition of the product as shown by the appeal grading. In all other respects, the provisions of §§ 53.6 to 53.22 shall apply to such appeal grading certificates except that, if the applicant for appeal grading be not the original applicant, a copy of the appeal grading certificate shall be mailed to the original applicant.

§ 53.33 *Superseded certificates.* The appeal grading certificate shall supersede the original grading certificate, which, thereupon, shall become null and void and shall not thereafter represent the class, grade, other quality designation, quantity, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal grading is filed, the officer (or officers) issuing the appeal grading certificate shall forward notice of such issuance and of the cancellation of the original certificate to such person as he (or they) may deem necessary to prevent fraudulent use of the cancelled certificate.

§ 53.34 *When request for regrading is not an appeal.* Grading requested to determine the condition of products which have been graded previously and which may have undergone material change since the original grading, and regrading requested for the purpose of obtaining an up-to-date certificate and not involving any question as to the correctness of the original certificate covering the products in question shall not be considered appeal grading within the meaning of §§ 53.26 to 53.34.

CHARGES FOR GRADING SERVICES

§ 53.35 *Fees and costs.* Fees covering as nearly as may be the cost of the service rendered under the regulations shall be charged and collected as follows:

(a) *Basis for charges.* Except in unusual circumstances, fees for grading services shall be based on the actual time required to render the services, including the time required for the travel of the official grader in connection therewith, and shall be at hourly rates prescribed from time to time by the Secretary. A minimum charge for one-half hour shall be made notwithstanding that the time required to perform the service may be less than thirty minutes. In unusual circumstances, the Administrator may, in lieu of the hourly rates thus fixed, establish other reasonable charges for the grading and certification of products at rates that, in his judgment, will cover the costs of the service.

(b) *Charges under cooperative agreements.* Charges for grading under cooperative agreements shall be those prescribed by the Secretary in accordance with paragraph (a) of this section, unless otherwise stipulated in the agreements.

(c) *Charges for appeal grading.* Fees for appeal grading shall be double those for the original grading: *Provided,* That, when on appeal grading it is found that there was error in the original grading equal to or exceeding 10 percent of the total weight of the products graded, no charge will be made unless special agreement is made with the applicant in advance.

(d) *Charges for extra copies of grading certificates.* Upon payment of a fee of one dollar ($1.00), any financially interested party may obtain not to exceed three copies of a grading certificate, in addition to copies of the certificate issued under § 53.21.

§ 53.36 *How fees shall be paid.* Fees and other charges shall be paid by the applicant in accordance with directions on the fee bill furnished him, and in advance if required by the official grader.

§ 53.37 *Disposition of fees.* Fees and other moneys collected for grading serv-

ices rendered shall be handled as indicated in paragraphs (a) and (b) of this section.

(a) *By graders employed by the Department.* Upon receipt of appropriate billing, fees for grading done by graders exclusively employed by the Department shall be remitted to the Administration by check, draft, or money order made payable to the Treasurer of the United States.

(b) *By graders under cooperative agreements.* Fees for grading done by graders acting under cooperative agreements with a State or municipal organization, or other cooperating party, shall be paid in accordance with the terms of such agreements.

MISCELLANEOUS

§ 53.38 *Misconduct of official graders, etc.* Any official grader, supervisor of grading, or other employee of the Department performing any functions under the acts or the regulations, who shall be a party to any fraud, deception, wilful misapplication of grade standards, or other misconduct outlined in § 53.12 or 53.25, or who shall conceal knowledge thereof, shall, at the discretion of the Secretary, be dismissed from the Department with prejudice or otherwise disciplined according to the gravity of his offense.

§ 53.39 *Political activity.* All official graders, supervisors of grading, and other employees of the Department performing any functions under the acts or the regulations in this part, are forbidden during the period of their appointment, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, in behalf of or opposition to any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Wilful violations of this section will constitute grounds for dismissal.

§ 53.40 *Identification.* All official graders and supervisors of grading shall have in their possession at all times Administration identification cards and shall identify themselves by such cards on request.

§ 53.41 *Correction of errors in grading.* When an official grader, supervisor of grading, or other responsible employee of the Administration has evidence of misgrading, or of incorrect grade identification on a product, or of incorrect certification, he shall report same to his immediate superior officer and to the party having possession of the product. The supervisor of grading or the officer in charge of grading shall cause such errors to be corrected.

§ 53.42 *Publications.* Publications under this part shall be made in the Service and Regulatory Announcements of the Administration and through such other media as the Administrator may from time to time designate for the purpose or as may be required by law.

Effective date. The foregoing regulations shall become effective thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of March 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-2144; Filed, Mar. 9, 1948; 8:57 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

RESTRICTIONS ON ENTRY OF FRUITS AND VEGETABLES

On November 14, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 7603) regarding the proposed amendment of § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56). After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice, and pursuant to the authority contained in section 5 of the Plant Quarantine Act (37 Stat. 316; 7 U. S. C. 159), the regulation in § 319.56–2 is hereby amended to read as follows:

§ 319.56–2 *Restrictions on entry of fruits and vegetables.* All importations of fruits and vegetables must be free from plants or portions of plants, as defined in § 319.56–1 (b).

Dried, cured, or processed fruits and vegetables (except frozen fruits and vegetables), including cured figs and dates, raisins, nuts, and dried beans and peas, may be imported without permit or other compliance with the regulations in this subpart: *Provided,* That any such articles may be made subject to entry only under permit and on compliance with the safeguards to be prescribed therein, when it shall be determined by the Secretary of Agriculture that the condition of drying, curing, or processing to which they have been subjected may not entirely eliminate risk. Such determination with respect to any such articles shall become effective after due notice.

Fruits and vegetables grown in the Dominion of Canada and in Newfoundland,[1] including its mainland territory of Labrador, may be imported into the United States from these countries free from any restrictions whatsoever under the regulations in this subpart.

Any other fruit or vegetable, except as restricted, as to certain countries and districts, by special quarantines[2] and other orders[1] now in force and by such restrictive orders as may hereafter be promulgated, may be imported from any country under permit and on compliance with the regulations in this subpart, at such ports as shall be authorized in the permits, on presentation of evidence satisfactory to the United States Department of Agriculture either (a) that such fruits and vegetables are not attacked in the country of origin by injurious insects, including fruit and melon flies (Tephritidae), or (b) that their importation from definite areas or districts under approved safeguards prescribed in the permit can be authorized without risk, or (c) that they have been treated, or are to be treated, in accordance with such conditions and procedure as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, under the supervision of a plant quarantine inspector of the said Department. However, entry of pineapples from Jamaica is restricted to the Port of New York and to such other northern ports as may be designated in the permits. (Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

This amendment shall be effective on and after April 7, 1948.

Done at the city of Washington this 5th day of March 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-2145; Filed, Mar. 9, 1948; 8:57 a. m.]

[1] The importation of potatoes into the United States from Newfoundland and all other foreign countries, except the Dominion of Canada and Bermuda, is governed by the restricted entry order and regulations in 7 CFR and 1944 Supp. 321.1 through 321.8.

[2] The importation of citrus fruit into the United States from eastern and southeastern Asia and certain other areas is restricted by the Citrus Fruit Quarantine, 7 CFR 319.28 as amended, 12 F. R. 6347.

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 502—REGULATIONS AFFECTING MILITARY RESERVATIONS

EMPLOYMENT OF CIVILIAN MESS ATTENDANTS

In § 502.18 (12 F. R. 3433), paragraph (b) (2) is rescinded and the following substituted therefor:

§ 502.18 *General duties.* * * *

(b) *Employment of civilian mess attendants.* * * *

(2) *Units stationed within zone of interior.* (i) The employment and payment from voluntary contributions of civilians as mess attendants is not authorized in Army messes of units stationed within the zone of interior.

(ii) Civilians may not be employed as mess attendants in enlisted men's messes (field ration and garrison) nor in officers' field ration messes in the zone of interior except under the following conditions:

(*a*) In Class I installations the approval of the army commander in each instance must be obtained.

(*b*) In Class II installations the approval of the chief of the appropriate administrative or technical service must be obtained.

(*c*) Civilians will be paid from appropriated funds only.

(*d*) Sufficient appropriated funds for this purpose must be available to the commander concerned.

(*e*) The hiring of civilians for this purpose will not exceed the civilian ceiling allotted to the installation.

(*f*) Civilian mess attendants are to be used only as kitchen police, dining room orderlies, or dishwashers. At no time are they to be used as cooks, food service apprentices, bakers, butchers, or food service technicians. This is not to be construed as limiting the authority of hospitals as presently outlined in Army Regulations and directives of The Surgeon General to hire civilians as cooks, food service apprentices, bakers, butchers, or food service technicians.

[AR 210–10, C3, Feb. 19, 1948] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48–2122; Filed, Mar. 9, 1948; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Home Loan Bank Board

[No. 536]

PART 4—OPERATIONS OF THE BANKS

INVESTMENTS

MARCH 5, 1948.

Resolved that, pursuant to § 8.3 of the rules and regulations for the Federal Home Loan Bank System (24 CFR, 8.3), § 4.1 of said rules and regulations (24 CFR, 4.1) is hereby amended, effective March 10, 1948, by striking the period at the end of the second sentence in subparagraph (1) of paragraph (b) thereof, in paragraph (c) thereof, and in subparagraph (1) of paragraph (d) thereof, and inserting in lieu of each such period the following: "; *Provided, however,* That no such authorization shall be required for the purchase and/or sale by a Bank of any obligation of the United States maturing within twelve months from the date of its purchase by such Bank."

Resolved further that the aforesaid amendment is hereby found to be one of a minor, technical character of no particular interest to the public and one which relieves certain restrictions, thereby making unnecessary notice and public procedure thereon or deferment of the effective date thereof beyond the date of publication in the FEDERAL REGISTER.

(Secs. 11, 16, 17, 47 Stat. 733, 736, as amended, sec. 503, 48 Stat. 1261, sec. 3, 60 Stat. 238; 12 U. S. C. 1431, 1436, 1437, 5 U. S. C. Sup., 1002; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 48–2143; Filed, Mar. 9, 1948; 8:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5605]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ELECTIVE INVENTORY COMPUTATIONS

On December 23, 1947, notice of proposed rule making regarding elective inventory computations in the case of retailers was published in the FEDERAL REGISTER (12 F. R. 8726). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the amendments to Regulations 103 (26 CFR, Part 19) and to Regulations 111 (26 CFR, Part 29) set forth below are hereby adopted. The amendments are made in order to adapt the retail inventory requirements of the regulations to the elective inventory principle of section 22 (d) of the Internal Revenue Code as enunciated by the Tax Court of the United States in Hutzler Brothers Company, 8 T. C. No. 3.

PARAGRAPH 1. Section 29.22 (c)–8 of Regulations 111 and § 19.22 (c)–8 of Regulations 103 as amended by Treasury Decision 5048, approved June 2, 1941, are further amended as follows:

(A) By inserting after the second paragraph in each case the following (except that, in Regulations 103, the cross-reference shall be made to § 19.22 (d)–1): "For further adjustments to be made in the case of a retail merchant using the elective inventory method authorized by section 22 (d), see § 29.22 (d)–1.

(B) By striking from the beginning of the fourth paragraph in each case the words "A taxpayer", and by inserting in lieu thereof the following: "A taxpayer (other than one using the elective inventory method)".

(C) By striking from the beginning of the last paragraph in each case the words "A taxpayer", and by inserting in lieu thereof the following: "A taxpayer (other than one using the elective inventory method)".

(D) By inserting at the end thereof in each case the following: "A taxpayer using the elective inventory method in conjunction with retail computations must adjust retail selling prices for markdowns as well as mark-ups, in order that there may be reflected the approximate cost of the goods on hand at the end of the year, regardless of market values."

PAR. 2. Section 29.22 (d)–1 of Regulations 111, as amended by Treasury Decision 5407, approved October 9, 1944, and § 19.22 (d)–1 of Regulations 103 are further amended by inserting at the end thereof in each case the following (except that, in Regulations 103, the cross-reference shall be made to § 19.22 (c)–8): "If a taxpayer using the retail method of pricing inventories, authorized by § 29.22 (c)–8, elects to use in connection therewith the elective inventory method authorized by section 22 (d) of the Code, the apparent cost of the goods on hand at the end of the year, determined pursuant to § 29.22 (c)–8, shall be adjusted to the extent of price changes therein taking place subsequent to the close of the preceding taxable year. The amount of any apparent inventory increase or decrease to be eliminated in this adjustment shall be determined by reference to acceptable price indices established to the satisfaction of the Commissioner. Price indices prepared by the United States Bureau of Labor Statistics which are applicable to the goods in question will be considered acceptable to the Commissioner. Price indices which are based upon inadequate records, or which are not subject to complete and detailed audit within the Bureau, will not be approved."

PAR. 3. Section 29.22 (d)–2 of Regulations 111, as amended by Treasury Decision 5504, approved March 20, 1946, is further amended by revising that portion thereof preceding the numbered paragraphs to read as follows:

§ 29.22 (d)–2 *Requirements incident to adoption and use of elective method.* Except as otherwise provided in § 29.22 (d)–1 with respect to raw material computations and with respect to retail inventory computations, the adoption and use of the elective inventory method is, by section 22 (d) and regulations thereunder, made subject to the following requirements:

PAR. 4. Section 19.22 (d)–2 of Regulations 103, as amended by Treasury Decision 5199, approved December 10, 1942, is further amended by revising that portion thereof preceding the numbered paragraphs to read as follows:

§ 19.22 (d)–2 *Requirements incident to adoption and use of elective method.* Except as otherwise provided in § 19.22 (d)–1 with respect to retail inventory computations, the adoption and use of the elective inventory method is, by section 22 (d) and regulations thereunder, made subject to the following requirements:

PAR. 5. The amendments made by this Treasury decision shall be applicable to all taxable years beginning after December 31, 1938.

(Secs. 62 and 22 (d) of the Internal Revenue Code (53 Stat. 32, 11; 26 U. S. C. 62, 22 (d)))

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: March 4, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48–2124; Filed, Mar. 9, 1948; 8:55 a. m.]

Subchapter B—Estate and Gift Taxes

[T. D. 5606]

PART 86—GIFT TAX UNDER CHAPTER 4 OF THE INTERNAL REVENUE CODE, AS AMENDED

RELEASE OF POWERS OF APPOINTMENT AND RELINQUISHMENT OF POWER OR CONTROL UNDER CERTAIN DISCRETIONARY TRUSTS

On November 6, 1947, notice of proposed rule-making, regarding the gift

tax provisions of Public Law 112 (80th Congress, 1st Session; 61 Stat. 178), approved June 25, 1947, was published in the FEDERAL REGISTER (12 F. R. 7265). No objection to the rules proposed having been received, the following amendments are hereby adopted. Such amendments are necessary in order to conform Regulations 108 (26 CFR, Part 86) to the gift tax provisions of Public Law 112, relating to release of powers of appointment and relinquishment of power or control under certain discretionary trusts, and are as follows:

PARAGRAPH 1. There is inserted immediately following section 502 of the Revenue Act of 1943, which was inserted in such regulations by Treasury Decision 5366, approved May 5, 1944, and preceding § 86.1, the following:

PUBLIC LAW 112 (80TH CONGRESS, 1ST SESSION), APPROVED JUNE 25, 1947

* * * * *

SEC. 2. (a) Section 1000 (e) of the Internal Revenue Code (relating to certain discretionary trusts) is hereby amended by striking out "prior to January 1, 1945," and inserting in lieu thereof "on or before December 31, 1947 (or on a later date in any case where it is shown to the satisfaction of the Commissioner, in accordance with regulations prescribed by him with the approval of the Secretary, that failure to relinquish prior to such later date was for reasonable cause)".

(b) If any amount paid prior to the date of the enactment of this joint resolution constitutes an overpayment of gift tax solely by reason of the amendment made by this section, no interest shall be allowed or paid with respect to the amount of such overpayment.

PAR. 2. There is inserted immediately following Public Law 393 (79th Congress, 2d Session), which was inserted in such regulations by Treasury Decision 5524, approved July 2, 1946, and immediately preceding § 86.1, the following:

PUBLIC LAW 112 (80TH CONGRESS, 1ST SESSION), APPROVED JUNE 25, 1947

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That * * * section 452 (c) of the Revenue Act of 1942 is hereby amended to read as follows:

(c) Release before July 1, 1948. (1) A release of a power to appoint before July 1, 1948, shall not be deemed a transfer of property by the individual possessing such power.

(2) This subsection shall apply to all calendar years prior to 1948 and to that part of the calendar year 1948 prior to July 1, 1948.

PAR. 3. Section 86.1 is amended by striking from the second sentence "March 1, 1944" and inserting in lieu thereof "July 1, 1948".

PAR. 4. Section 86.2 (b), as amended by Treasury Decision 5524, approved July 2, 1946, is further amended as follows:

(A) By striking out "July 1, 1947" wherever it appears and inserting in lieu thereof "July 1, 1948".

(B) By striking out "as amended by Public Law 393 (79th Congress), approved May 29, 1946" wherever it appears and inserting in lieu thereof "as amended by Public Law 112 (80th Congress), approved June 25, 1947".

PAR. 5. Section 86.3, as amended by Treasury Decision 5366, approved May 5, 1944, is further amended by changing the last paragraph to read as follows:

Section 1000 (e), as added by section 502 of the Revenue Act of 1943 and amended by Public Law 112, Eightieth Congress, provides in the case of property transferred in trust before January 1, 1939, under which the grantor, on and after such date, retained no power to revest title to such property in himself, exercisable by the grantor alone or in conjunction with any other person not having a substantial adverse interest in the disposition of such property or the income therefrom, that the relinquishment by the grantor on or after January 1, 1940, and prior to January 1, 1948 (or on a later date if it is shown to the satisfaction of the Commissioner, whose determination therein shall be conclusive, that failure to relinquish prior to such later date was for reasonable cause), by an exercise or other termination, of a power to change the disposition of the trust property, which completes the gift thereof, shall not be treated as a gift for the purposes of the gift tax statute. However, if the property had been transferred in trust without the grantor retaining power to revest title to the property in himself, or if such power previously retained had been relinquished, while a Federal gift tax statute was in effect, the exemption provided by section 1000 (e) shall apply only if (1) gift tax had been paid with respect to such prior transfer or relinquishment, and not credited or refunded, or a gift tax return had been filed within the time prescribed on account of such prior transfer or relinquishment but no gift tax paid because of deductions or exclusions claimed on such return, and (2) the grantor agrees in writing to continue to treat such prior transfer or relinquishment as completing the gift for all purposes of the gift tax statute except as hereinafter indicated with respect to income. Upon submission of such written agreement, the Commissioner may make any necessary redetermination of the amount of the net gifts for such prior year, and, unless assessment is barred by statutory limitations or rule of law, assert any resulting deficiency tax. The exemption provided by section 1000 (e) shall not apply to any payment or other disposition of income while the grantor retains the power of disposition of the future income from the trust property. For example, if a donor created a trust in 1930, reserving a power to change the beneficiaries and their proportionate interests with respect to principal and income, but without retaining the power to revest the property in himself, and terminates his reserved power in 1947, so that he is no longer able to change the beneficiaries or their respective interests, the interim payment of income to any beneficiary or other surrender by the donor of control over such income prior to such termination is nevertheless a taxable gift and to be treated accordingly. The same result follows if a similar trust was created while a gift tax law was in effect and the donor, prior to January 1, 1948, terminated the aforesaid reserved power, consenting to treat the original transfer in trust in the calendar year in which effected and for all periods thereafter as having been a transfer subject to gift tax. In case a power of disposition is relinquished after December 31, 1947, the question whether failure to relinquish at an earlier date was for reasonable cause must necessarily depend upon all relevant facts and circumstances. Reasonable cause, for example, may consist of a disability which seriously limits the opportunity for effecting a relinquishment prior to January 1, 1948. It may also consist of an excusable lack of knowledge of the existence of the power or of its significance in relation to the gift tax law, or of a lack of knowledge of the provisions of section 1000 (e) excepting from gift tax consequences a relinquishment of the power prior to January 1, 1948. However, a failure to relinquish due to neglect or to unwillingness to abandon the advantages of the power until some later date would not be for reasonable cause. No interest shall be allowed or paid on any overpayment resulting from the application of the exemption provided by section 1000 (e).

PAR. 6. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 1000 (c), (e), 1029, and 3791 of the Internal Revenue Code (53 Stat. 157, 467; 56 Stat. 952, 58 Stat. 71, Pub. Law 112, 80th Cong. 61 Stat. 178; 26 U. S. C. and Sup., 1000 (c), (e), 1029, 3791))

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved March 4, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-2125; Filed, Mar. 9, 1948; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

1. In § 201.2 amend paragraphs (c) (1) (i) and (d) (3), and add paragraph (c) (1) (iii) (*f*) as follows:

§ 201.2 *Federal recognition.* * * *

(c) *Persons eligible.* * * *

(1) *Initial procurement*—(i) *From wartime officers*—(*a*) *Above the grade of second lieutenant.* In the initial reorganization of the National Guard, Federal recognition and appointment in the National Guard of the United States above the grade of second lieutenant will be limited to those officers who have served honorably in active Federal service in the armed forces of the United States for a period of at least 6 months since December 7, 1941 and prior to June 30, 1947, and who, while in that service, have demonstrated their qualifications by actual service in the grade or position contemplated, or by the satisfactory discharge of duties of corresponding and equal responsibility.

(*b*) *From second lieutenants.* Officers who served in the grade of second lieu-

tenant or corresponding grade in the armed forces of the United States for a period of at least 6 months since December 7, 1941 and prior to June 30, 1947 are eligible for Federal recognition and appointment in the National Guard of the United States.

* * * * *

(iii) *Specialists from other sources.* * * *

(*f*) *(Effective until January 1, 1951)* Where tables of organization and equipment for Air units of the National Guard require a flight surgeon in company grade as medical officer, the vacancy may be filled by nonflight surgeons with previous military experience or by doctors without previous military experience, subject to the provisions which follow:

(*1*) In the case of those without military experience, the grade to which appointed and in which recognized shall not be higher than that of first lieutenant.

(2) If such an appointee has not qualified as a flight surgeon by successful completion of the Aviation Medical Examiner's Course, Randolph Field, Texas, prior to January 1, 1951, he will be transferred to a position vacancy which does not require the services of a flight surgeon.

* * * * *

(d) *Requirements for recognition.* * * *

(3) *Age (effective until January 1, 1951)*—(i) *For initial recognition.* No candidate will be examined for recognition who is less than 21 or more than 62 years old, nor unless his age is such that he can serve at least 1 year before recognition will be terminated under age limitations as set forth in subdivision (ii) of this subparagraph, except that: For rated officers in tactical Air units no candidate for original commission as second lieutenant will be more than 27; as first lieutenant, more than 32; as captain, more than 37; as major, more than 40; as lieutenant colonel, more than 43; as colonel, more than 45. When a candidate already holds a commission in another component in the same or a higher grade than that for which he is applying for recognition, his appointment as an officer of the National Guard of his State shall not be taken as an "original commission" within the meaning of the foregoing sentence and he will be recognized in the grade in which appointed provided his age is such that he can serve at least one year before recognition will be terminated under the age-in-grade limitations. For other than Air units no candidate for direct appointment as second lieutenant from former enlisted men of the first three grades will be more than 32. A candidate will be considered over the maximum age for appointment upon reaching the birthday anniversary of the year above prescribed.

(ii) *For continued recognition.* The following maximum age-in-grade limitations are established for officers of the National Guard. An officer will be considered over the maximum age for his grade upon reaching the birthday anniversary of the year prescribed.

Assignment	2d lt.	1st lt.	Capt.	Maj.	Lt. col.	Col.
State headquarters	40	43	46	51	55	60
Rated officers in tactical air units	31	36	41	44	47	49
Nonrated officers (including flight surgeons) in tactical air units and all officers in nontactical air units	35	35	42	47	52	55
Other than air units	35	35	42	47	52	55

NOTE: Tactical Air units include ony tactical group headquarters, fighter, and light bombardment squadrons. Rated officers in Wing or higher headquarters and service units will be included in the same age brackets as prescribed for non-tactical Air units.

* * * * *

2. In § 201.3, delete "AR 140–34, Military Intelligence" from list in paragraph (e) (2) (i); amend paragraphs (e) (3), (e) (5) (iii) (*a*), and (g) as follows:

§ 201.3 *Examination.* * * *

(e) *Professional examination.* * * *

(3) *Evidence of prior service.* If the candidate produces evidence that he has satisfactorily discharged the duties of the grade and assignment for which examined, or has satisfactorily discharged duties of corresponding and equal responsibility, in active Federal service in the armed forces since December 7, 1941 and prior to June 30, 1947, the board may accept this service as evidence of professional qualification for the grade and arm or service for which examined and may dispense with the professional examination. The evidence accepted by the board in lieu of examination will be shown.

* * * * *

(5) *For candidates for the grade of second lieutenant.* * * *

(iii) *Evidence of prior service as an enlisted man of the first three grades.* * * *

(*a*) *Age.* Not less than 21 nor more than 32 years of age.

* * * * *

(g) *Professional examination for general officers*—(1) *General.* In the examination of candidates for appointment as general officers, the board will determine whether the candidate meets the requirements of § 201.2 (c) (1) (i), and may in addition give appropriate consideration to the candidate's service in the National Guard in the position for which he is being examined, or in a position of equal and corresponding responsibility. If it is clearly established that the candidate possesses outstanding abilities determined by consideration of the present state of organization and training of the unit to which he is assigned, and that the candidate is fully qualified for extended active Federal service in the grade and position for which being examined, the board may recommend Federal recognition notwithstanding the provisions of § 201.2 (c) (1) (i), except that an officer must have served honorably in active Federal service at least six months since December 7, 1941. The board will take such steps as deemed necessary to inquire into the candidate's fitness, and is authorized to call on the Chief, National Guard Bureau, and the appropriate Army commander for such reports as may be required.

(2) *Military educational requirements.* The successful completion of the appropriate course of the Command and Staff College, or a local branch thereof, will be a prerequisite for promotion to general officer grade, except when the officer has since December 7, 1941 and prior to June 30, 1947, performed satisfactorily in the grade for which examined or higher grade, or has clearly demonstrated his qualifications by actual performance of the duties of the higher grade, as provided in paragraph (e) (3) of this section.

* * * * *

3. In § 201.6, amend paragraph (c) (1) as follows:

§ 201.6 *Officers of the National Guard of the United States.* * * *

(c) *Authorized grades.* * * *

(1) Chaplains — first lieutenant to colonel, inclusive.

* * * * *

[NGR 20, Dec. 11, 1947] (Sec. 58, 39 Stat. 197, as amended by sec. 5, 48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48–2121; Filed, Mar. 9, 1948; 8:52 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 397]

POSITIVE LIST OF COMMODITIES

MISCELLANEOUS AMENDMENTS

Appendix A, "Positive List of Commodities," is amended in the following particulars:

1. By deleting therefrom the qualifying footnote reference meaning "Requires individual license for export to all areas except the Philippine Islands and all countries in North America and South America as listed in Schedule C of the Bureau of the Census, U. S. Department of Commerce" with respect to the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Grains and preparations:
103500	Grain sorghums (bu. 56 Lbs.) except seed (report grain sorghum for seed under 241990).
104100	Oats.

2. (a) By adding thereto the following commodities:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits
	Grains and preparations:		
102100	Buckwheat	Bu.	100
103200	Corn meal (except in cases or small packages).	Bbl.	100
103300	Hominy and corn grits	Lb.	100
	Oatmeal, groats, and rolled oats:		
104300	In bulk, sacks, or bags	Lb.	100
104400	In packages, cases, or cartons.	Lb.	100
107700	Macaroni and macaroni products.	Lb.	25
108100	Wheat cereal foods, to be cooked.	Lb.	25
109900	Pearl barley		100
	Vegetables and preparations, edible:		
125911	Soybean flour, edible	Lb.	100
	Miscellaneous vegetable products, inedible:		
281100	Cornstarch and corn flour (edible included).	Lb.	100

(b) By adding thereto, with respect to the commodities set forth above in subparagraph (a) of this paragraph, a qualifying footnote reference meaning "May be exported under general license to the Philippine Islands and to all destinations in North and South America as listed in Schedule C of the Bureau of the Census, U. S. Department of Commerce."

With respect to paragraphs 1 and 2 above, shipments of any of the above commodities removed from general license which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective March 10, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: March 5, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-2151; Filed, Mar. 9, 1948; 9:00 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective March 1, 1948, Appendix A (13 F. R. 481) is revised to read as follows:

FOREIGN SERVICE ALLOWANCE RATES

OFFICERS

Class I

Station			Travel
Subs.	Qts.	Total	
None	None	None	$7.00

NOTE: The above allowances are applicable to all countries and places outside the continental United States not otherwise listed herein.

Class II

$2.55	$2.50	$5.05	$8.00

Czechoslovakia. Colombia (except Bogota).

Class III

$2.55	$3.75	$6.30	$9.00

Hungary.

Class IV

$3.00	$0.75	$3.75	$7.00

Cuba (except Havana).
Belgium.
Costa Rica.
Great Britain and Northern Ireland (except London).
Guatemala.
Nicaragua.
Chile (except Punta Arenas).
Paraguay.
Brazil (except Rio de Janeiro, Sao Paulo and Recife).
Ecuador.
Honduras.
El Salvador.
Dominical Republic.
Surinam.
Bolivia.
Morocco.
Peru.

Class V

$3.00	$1.00	$4.00	$7.00

Afghanistan.
Algeria.
Alaska.
Argentina.
Bermuda.
China.
Denmark.
Ethiopia.
Finland.
France (except Paris and Orly Field).
Irish Free State.
Italy.
Liberia (except Monrovia).
Netherlands.
Norway.
Recife, Brazil.
Spain.
Sweden.
Tunisia.
Trieste (free city of).
Union of South Africa.
Uruguay.

Class VI

$3.75	$0.75	$4.50	$7.25

Burma (except Rangoon).

Class VII

$3.75	$1.00	$4.75	$8.00

Iceland. Portugal.

Class VIII

$3.75	$1.50	$5.25	$8.00

Sao Paulo, Brazil.
Ceylon.
Egypt (except Cairo).
Paris and Orly Field, France.
India.
French Indo-China.
Turkey.
Philippine Islands.
London.
Mexico City.
Pakistan.
Siam.

Class IX

$3.75	$2.00	$5.75	$9.00

Switzerland. Bogota, Colombia.

Class X

$3.75	$3.00	$6.75	$10.00

Cairo, Egypt.

FOREIGN SERVICE ALLOWANCE RATES—Con.

OFFICERS—continued

Class XI

Station			Travel
Subs.	Qts.	Total	
$3.75	$4.00	$7.75	$11.00

Bulgaria. Netherlands East Indies.

Class XII

$4.50	$1.50	$6.00	$9.00

Havana, Cuba.
Syria.
Monrovia, Liberia.

Class XIII

$5.25	$1.75	$7.00	$10.00

Iraq.
Trans-Jordan.
Palestine.

Class XIV

$6.00	$1.50	$7.50	$10.00

Republic of Lebanon.
Rangoon, Burma.
Singapore.
Turkey.

Class XV

$7.50	$3.50	$11.00	$15.00

Union of Soviet Socialist Republics.

Class XVI

$6.00	$3.00	$9.00	$12.00

Yugoslavia. Rumania.

Special Classification

$8.25	$3.75	$12.00	$12.00

Greece (personnel not in receipt of diplomatic exchange rate).

NOTE: Greece (personnel in receipt of diplomatic exchange rate, allowance prescribed in Class I applicable).

$5.25	$3.75	$9.00	$9.00

Punta Arenas, Chile.

$10.50	$4.50	$15.00	$15.00

Poland (personnel not in receipt of diplomatic exchange rate).

NOTE: Poland (personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

$3.75	$3.25	$7.00	$7.00

Bahrein Island, Persian Gulf.

$3.75	$4.75	$8.50	$8.50

Rio de Janeiro.

$6.75	$5.25	$12.00	$12.00

Venezuela.

Dated: March 1, 1948.

[SEAL] JAMES A. CRABTREE,
Acting Surgeon General.

Approved: March 4, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-2123; Filed, Mar. 9, 1948; 8:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 507—ORGANIZATION AND FUNCTIONS

VOLUNTARY AGREEMENTS

Part 507 (49 CFR, 1946 Supp.) is amended by adding a new § 507.6 reading as follows:

§ 507.6 *Voluntary agreements under Public Law 395, 80th Congress*—(a) *Consultation with industry and the public under section 2 of Public Law 395, 80th Congress.* Under section 2 of Public Law 395, 80th Congress, the President is authorized to consult representatives of business and agriculture with a view to making certain voluntary agreements and to approve and request compliance with such agreements. Executive Order 9919 (13 F. R. 59) delegates this authority to various officials, including the Director of the Office of Defense Transportation. This executive order provides that consultation with industry may be through representative industry advisory committees and that an opportunity shall be given to industry, labor, and the public generally to present their views with reference to a proposed agreement or plan.

(b) *Organization of Industry Advisory Committees.* As the purpose of industry advisory committees formed under this section is to give advice to the Office of Defense Transportation on proposed voluntary agreements and plans affecting an industry, their members are selected so as to assure that the advice so obtained will represent the viewpoint of all parts of the industry. The committees are formed of representatives of the minimum number of companies necessary to represent a fair cross-section of the industry from the standpoints of (a) large, medium, and small companies, (b) geographical distribution, (c) trade association membership, and (d) segments of the industry (types of products, degree of integration, etc.). In forming industry advisory committees the Office of Defense Transportation will be governed by the principles of Senate Concurrent Resolution 14 (80th Congress), and the President's memorandum to heads of executive departments and agencies of December 12, 1947, with respect to the representation of small business on Government committees. (Appendix A attached.) To promote free discussion, different levels of production and distribution are generally represented by separate industry advisory committees consisting of customers and suppliers. The membership of industry advisory committees is checked with compliance proceedings of the Office of Defense Transportation in accordance with the policy of suspending or removing from the committee members who are found in violation of Office of Defense Transportation orders and regulations. Members of committees pay their own expenses and are entitled to no compensation for their services as committee members.

(c) *Functions of Industry Advisory Committees.* The functions of an industry advisory committee formed by the Office of Defense Transportation under this section are to furnish information, to give advice, and to make recommendations to the Office of Defense Transportation, at regular committee meetings, on problems affecting the industry either in connection with the formulation of a proposed voluntary agreement or plan or in connection with an existing voluntary agreement or plan. In order to eliminate any question as to the propriety of the activities of these industry advisory committees under the anti-trust laws, the activities of these committees are limited strictly to those specified (see the Attorney General's letter of March 3, 1948; Appendix B). No other activities by these industry advisory committees or by their members are sponsored or authorized by the Office of Defense Transportation under this section. These industry advisory committees are not authorized to determine policies for the industry nor are they authorized to compel or coerce any person to enter into any voluntary agreement or plan or to compel or coerce any person to comply with any request or order made by the Office of Defense Transportation.

(d) *Industry Advisory Committee meetings.* Industry advisory committee meetings will be called by the Office of Defense Transportation when a voluntary agreement or plan is under consideration or at any other time when the advice of an affected industry is appropriate in connection with a voluntary agreement or plan. The agenda of the meeting will be prepared by the Office of Defense Transportation. Representatives of interested agencies of the Government will be invited by the Office of Defense Transportation. If a member of a committee is unable to attend a meeting, he may suggest the name of another representative of the same organization to serve as his alternate for that meeting, and as a general rule the Office of Defense Transportation will invite the suggested alternate to that meeting. A representative of the Office of Defense Transportation will preside at every committee meeting. The Office of Defense Transportation will keep minutes of each meeting, and will make summaries available to members of the committee, and the industry and the trade press, and will issue press releases concerning the meeting.

(e) *Hearings on proposed agreements and plans.* In order to carry out the requirement of Executive Order 9919 that an opportunity shall be given to industry, labor, and the public generally to present their views with respect to a proposed agreement or plan, the Office of Defense Transportation has adopted the policy of holding a public hearing at which such views may be presented. Notice of such a hearing will be given by publication in the FEDERAL REGISTER, by press release, and by any other method considered appropriate by the Office of Defense Transportation. The notice will include a statement of the time, place, and nature of the hearing, and either the substance of the proposed plan or agreement or a description of the subjects and issues involved. The notice will ordinarily provide that persons who desire to participate in the hearing must file in advance a written notice of appearance and that persons failing to file such written notice in advance will not be heard unless good cause is shown. The scope, time, or place of a hearing for which notice has been given may be changed when necessary. Reasonable notice will be given of the hearing and of any changes. Ordinarily the time set will be not less than 10 days nor more than 15 days from the publication in the FEDERAL REGISTER of the notice of hearing. The hearing will be conducted by an official of the Office of Defense Transportation as Hearing Officer. The Hearing Officer will regulate the course of the hearing, including the order in which statements may be presented and the length of time to be allowed for making oral statements. He may adjourn or continue the hearing to a later date or different place and will receive written statements and memoranda at the hearing or within such time after the hearing as he may determine. Such statements and memoranda should be filed in triplicate. The hearing will be informal in nature. A stenographic transcript or summary will be made of the proceedings. After the close of the hearing, the Hearing Officer will prepare and file a report with the Director summarizing the statements made at the hearing and will file with his report all written statements presented in connection with the hearing.

(f) *Requests for compliance with voluntary agreements and plans.* When a proposed voluntary agreement or plan under section 2 of Public Law 395, 80th Congress, has been formulated by the Office of Defense Transportation with the advice of the appropriate industry advisory committee or committees and after a public hearing has been held, the Director of the Office of Defense Transportation may forward his favorable recommendation of the proposed agreement or plan to the Attorney General for the latter's approval, together with the statement of facts required by Executive Order 9919. If the Attorney General approves the agreement or plan the Director of the Office of Defense Transportation, upon giving his final approval, will send to each concern which is to take action under the agreement or plan a specific written request to comply with it, or to the extent such a procedure is not practicable, publish such a request to each class or category of concerns which are to take such action. The agreement or plan and the requests will be published in the FEDERAL REGISTER and forwarded to the President pro tempore of the Senate and the Speaker of the House of Representatives by the Attorney General in accordance with Public Law 395. (Pub. Law 395, 80th Cong.)

Issued at Washington, D. C., this 5th day of March 1948.

J. M. JOHNSON,
Director of the Office of Defense Transportation.

APPENDIX A

THE WHITE HOUSE,
WASHINGTON, *December 12, 1947.*

Memorandum to the Heads of Executive Departments and establishments:

Senate Concurrent Resolution 14 (80th Congress) provided:

"That the Congress recognize the valid claim of the small businessmen of America to equal representation as an entity, with labor, agriculture, and other groups, on those Government commissions, boards, committees, or other agencies in which the interests of the American economy may be affected; and that the President of the United States, the members of the Cabinet, and other officers of the Government be, and hereby are, respectfully urged to accord the small businessmen of America representation on such Government agencies including particularly policy-making bodies created by Executive appointment."

In determining whether a business is a small business for the purpose of this resolution, the appointing agency should consider the relative size and position of the business in relation to the industry, the nature of its area of operation, the size of the group supplying capital and holding ownership and control, and the independence of its management.

As an alternative guiding principle for the appointing agency, a business may be considered a small business if it is a business enterprise, or a group of business enterprises under common ownership or control, which is not dominant in its field and which:

(a) If a manufacturing enterprise, has 100 employees or less; or

(b) If a wholesale establishment, has less than $500,000 annual net sales volume; or

(c) If a retail, service, hotel, amusement, construction or other enterprise not included under (a) or (b), has annual net sales or receipts of less than $100,000; or

(d) If engaged in two or more separate types of businesses, does not exceed the maximum applicable under either (a), (b) or (c) to any of such businesses.

The heads of the Executive Departments and Establishments should bear in mind the will of Congress as shown by this resolution when making appointments to commissions, boards, committees, and other agencies in which the interests of the American economy may be affected.

The appointment of representatives of small business should be made in such a manner as to provide the small businessman an equal opportunity for representation along with labor, agriculture, and other groups on those Government commissions.

HARRY S. TRUMAN

APPENDIX B

OFFICE OF THE ATTORNEY GENERAL,
WASHINGTON, D. C., *March 3, 1948.*

Colonel J. M. JOHNSON,
Director, Office of Defense Transportation, Washington, D. C.

MY DEAR COLONEL JOHNSON: I have received the annexed procedures, which you propose to adopt in connection with the operations of the Office of Defense Transportation under Public Law 395 (80th Congress) and Executive Order 9919. In my opinion, such procedures are appropriate under the law and executive order.

The functions of industry advisory committees under these procedures are limited to the furnishing of information and advice to your Office in connection with proposed voluntary plans and agreements and related matters at regular committee meetings. Such committees do not have any authority to determine policies for the industry. Neither the committees nor any of their members have authority to compel or coerce any person to enter into a voluntary plan or agreement or to compel or coerce any person to comply with any request or order made by the Office of Defense Transportation.

I wish to advise you that the activities of industry advisory committees in conformity with your proposed procedures and within the limitations contained therein would not constitute a violation of the federal antitrust laws. I believe it would be appropriate, however, to make clear to any persons whom you appoint as members of an industry advisory committee that their membership on such committee does not create any immunity under the federal antitrust laws for any other activities which might be in contravention of those laws.

Sincerely yours,

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-2120; Filed, Mar. 9, 1948; 8:51 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 41]

WEATHER MINIMUMS FOR ALTERNATE AIRPORTS

NOTICE OF PROPOSED RULE MAKING

MARCH 5, 1948.

Pursuant to authority delegated by the Civil Aeronautics Board to the Safety Bureau, notice is hereby given that the Bureau will propose to the Board an amendment of Part 41 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Safety Bureau, Washington 25, D. C. All communications received within 30 days after date of this publication will be considered by the Board before taking further action on the proposed rule.

Part 41 of the Civil Air Regulations which pertains to scheduled air carrier operations outside the continental limits of the United States does not establish basic weather minimums for alternate airports.

It is believed that standardization of weather minimums for alternate airports for scheduled air carrier operations both domestic and foreign is desirable in the best interest of safety.

It is proposed to amend Part 41 as follows:

1. By adding a new § 41.4033 to read as follows:

§ 41.4033 *Alternate airport.* An airport shall not be listed in the flight plan as an alternate airport unless current weather reports and forecasts show a trend indicating that the ceiling and visibility at such airport will be at or above the following minimums at the time of arrival:

(a) *Airport served by an approved radio approach facility.* Ceiling 1,000 feet, visibility 1 mile; or ceiling 900 feet, visibility 1½ miles; or ceiling 800 feet, visibility 2 miles;

(b) *Airport not served by an approved radio approach facility.* Ceiling 1,000 feet with broken clouds or better, visibility 2 miles;

(c) *Minimums at particular airports.* The Administrator may establish such higher minimums at particular airports as the safe conduct of flight requires, considering the character of the terrain being traversed, the meteorological service and navigational facilities available, and other flight conditions.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 425 (a), 551–560)

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,
Assistant Director (Regulations).

[F. R. Doc. 48-2146; Filed, Mar. 9, 1948; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 192]

[Ex Parte No. MC-40]

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATIONS AND EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of March A. D. 1948.

Upon further consideration of this matter and of representations made by interested parties, and good cause therefor appearing:

It is ordered, That this proceeding (which was instituted pursuant to the authority of section 204 (a) of the Interstate Commerce Act, 49 U. S. C. 204 (a) and section 233 of the Transportation of Explosives Act) be, and it is hereby, assigned for hearing before Examiner Warder Rannells, at 10 o'clock a. m., U. S. standard time, on April 6, 1948, at the office of the Interstate Commerce Commission, Washington, D. C., for the purpose of receiving evidence upon which a determination can be made of the need, if any, for revision of paragraph 1.21 (a) of Rule 1.2 of Part 1 of the Motor Carrier Safety Regulations,

Revised, (49 CFR, Cum. Supp., 192.2 (a) (1)) which provides as follows:

§ 192.2 *Minimum Requirements.* No motor carrier shall drive, or require or permit any person to drive, any motor vehicle operated in interstate or foreign commerce, unless the person so driving possesses the following minimum qualifications:

(a) *Mental and physical condition.* (1) No loss of foot, leg, hand or arm.

It is further ordered, That any person desiring to be notified of any change in the time or place of the said hearing (at his own expense, if telegraphic notice becomes necessary,) shall inform the Interstate Commerce Commission, Washington, D. C., to that effect by notice which must reach the Commission on or before March 22, 1948.

And it is further ordered, That notice of this order be given to motor carriers and other parties in interest and to the general public by depositing a copy of it in the Office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-2116; Filed, Mar. 9, 1948; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1676465]

MICHIGAN

NOTICE OF FILING OF PLATS OF DEPENDENT RESURVEY AND ISLAND SURVEY

MARCH 3, 1948.

Notice is given that the plat of (1) dependent resurvey of T. 43 N., R. 18 W., and T. 45 N., R. 19 W., Michigan Meridian, Michigan, accepted May 3, and July 21, 1945, respectively, delineating a retracement and reestablishment of the lines of the original survey and resurvey, as shown upon the plats approved December 19, 1850 and November 18, 1856, and (2) survey of islands in Lake Eva, sec. 33, T. 43 N., R. 18 W., Michigan Meridian, and Island Lake in sec. 26, T. 45 N., R. 19 W., Michigan Meridian, including lands hereinafter described, which were not included in the original survey of the townships, will be officially filed in the Bureau of Land Management at 10:00 a. m. on May 5, 1948.

The lands affected by this notice are as follows:

ALGER AND DELTA COUNTIES

MICHIGAN MERIDIAN

T. 43 N., R. 18 W.,
Sec. 33, lot 8 (Lake Eva).
T. 45 N., R. 19 W.,
Sec. 26, lot 11 (Island Lake).

The area described aggregates 0.99 acre.

The above-described lands were withdrawn from settlement, location, sale or entry and all forms of appropriation, subject to valid existing rights in and to the same, pending classification and legislation by Executive Order No. 4430 of April 23, 1926 and restored and made subject to the provisions of Executive Order No. 6964 of February 5, 1935 by Executive Order No. 8661 of August 20, 1941. The lands involved are within the exterior boundaries of the Hiawatha National Forest, the public lands therein having been withdrawn for forest purposes pursuant to proclamation of January 16, 1931 (46 Stat. 343).

Anyone having a valid settlement or other right to any of these lands initiated prior to the withdrawals above-mentioned, should assert the same within three months from the date on which the plats are filed by filing an application under appropriate public-land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

FRED W. JOHNSON, *Director.*

[F. R. Doc. 48-2115; Filed, Mar. 9, 1948; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ALLOCATION OF STEEL AND PIG IRON FOR CONSTRUCTION OF DOMESTIC RAILWAY FREIGHT CARS AND REPAIR OF RAILROAD ROLLING STOCK

NOTICE OF PUBLIC HEARING ON PROPOSED VOLUNTARY PLAN

In order to carry out the requirements of Executive Order 9919 (13 F. R. 59), and acting under the authority vested in me by said Executive order,

Notice is hereby given that a public hearing will be held on Friday, the 19th day of March 1948, at 10:00 a. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue, in the city of Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, of which a copy is set forth in appendix A hereto, covering the allocation of steel and pig iron for the construction of domestic railway freight cars and the repair of railroad rolling stock.

The proposed plan has been formulated after consulting with representatives of the various industries involved and is designed to continue, for the purposes and under the authority of section 2 of Public Law 395, 80th Congress, 1st Session, a program now being participated in on a voluntary basis by various steel companies, pig iron producers, contract car builders, railroads and private car lines, and component parts monufacturers.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Monday, the 15th day of March 1948. Persons desiring to present written statements or memoranda should submit them at the hearing.

[SEAL] W. A. HARRIMAN, *Secretary of Commerce.*

APPENDIX A

[Voluntary Allocation Plan No. —]

Proposed voluntary plan covering the allocation of steel and pig iron for the construction of domestic railway freight cars and the repair of railroad rolling stock.

It appearing, that there is a critical shortage of domestic freight cars which is adversely affecting the economy of the United States; that steel and pig iron used in the construction and repair of domestic railway freight cars and other railroad rolling stock are scarce commodities which basically affect industrial production; that the Office of Defense Transportation is now supervising a program participated in on a voluntary basis by various steel companies, pig iron producers, contract car builders, railroads and private car lines, and component parts manufacturers covering the construction of new domestic railway freight cars and the repair of railroad rolling stock; and that the continuation of such program will be appropriate to the successful carrying out of the policies set forth in the joint resolution approved December 30, 1947 (Public Law 395, 80th Congress):

Now, therefore, pursuant to Executive Order 9919 dated January 3, 1948 (13 F. R. 59), and after consulting with representatives of the industries referred to above, the following voluntary plan covering the allocation of steel and pig iron for the construction of domestic railway freight cars and the repair of railroad rolling stock is hereby proposed by the Secretary of Commerce:

1. The various steel companies agreeing to this plan will make available on an average monthly basis, sufficient steel of the various types necessary to permit the construction of 10,000 new domestic railway freight cars monthly and for the repair of railroad rolling stock in line with the program presented by the Office of Defense Transportation.

2. The various pig iron producers agreeing to this plan will make avail-

able such quantities of pig iron as may be required to permit the manufacture of steel and iron castings required under the program.

3. The over-all quantities of steel and pig iron to be furnished under the program will be determined quarterly by the Secretary of Commerce after consultation with the Director of the Office of Defense Transportation. Within such over-all quantities, the amounts of various types of steel to be made available under the program by the individual steel companies will be determined by the Office of Defense Transportation on such basis as it deems fair and equitable after consultation with the industry advisory committee on distribution of steel for freight cars, and the quantities of pig iron to be made available by the individual pig iron producers for the manufacture of steel and iron castings required under the program will be determined by the Office of Defense Transportation on such basis as it deems fair and equitable after consultation with the industry advisory committee on distribution of pig iron.

4. The individual car builders will submit to the Office of Defense Transportation schedules showing by plants the number and types of domestic railway freight cars scheduled for production monthly. The individual car builders, component parts manufacturers, railroads and private car lines will submit to the Office of Defense Transportation quarterly estimates of their steel and pig iron requirements for domestic railway freight cars scheduled for production and for the repair of domestic railway freight cars, passenger cars and locomotives.

5. After receiving the quarterly estimates referred to in paragraph 4 hereof, the Office of Defense Transportation, with the assistance of three industry advisory committees composed of representatives of (1) contract car builders, (2) railroads and private car lines, and (3) component parts manufacturers, will relate such estimated requirements to the over-all program. The quantities and types of steel to be made available under the program to each individual steel consumer from steel rollings in each quarterly period, and the amounts of pig iron to be made available quarterly to individual consumers for the manufacture of iron and steel castings required under the program will be determined by the Office of Defense Transportation. In determining the quantities and types of steel to be made available under the program to each car builder participating in the program, the Office of Defense Transportation will give consideration to the past production record of each car builder, plant capacity, and orders for new domestic freight cars which each car builder has on hand. Any company which is not now engaged in constructing domestic freight cars under the program but which is in a position to engage in such activity may become a participant in the program. In determining the quantities of pig iron to be made available to individual suppliers of iron and steel castings required under the program, the Office of Defense Transportation will give consideration to the needs of individual suppliers for pig iron required in the manufacture of such iron and steel castings. Each individual consumer will make its own arrangements for securing the steel and pig iron assigned to it under the program. However, the Office of Defense Transportation, with the aid of the steel and pig iron advisory committees, will furnish assistance to individual consumers in securing the quantities of steel and pig iron which have been assigned to them. No request or authorization will be made relating to allocation of orders, customers, delivery of cars or business among members of the car building industry, nor will any request or authorization be made to the steel industry or pig iron producers for any limitation or restriction on the production or marketing of steel or pig iron.

6. The various steel consumers participating in the program agree to show on their purchase orders for steel under the program that the steel is "To be used for new domestic freight cars" or "To be used for repair of domestic freight cars, passenger cars, or locomotives." The various purchasers of pig iron for use in the manufacture of steel and iron castings under the program agree to show on their purchase orders for such pig iron that it is "To be used in the manufacture of steel and iron castings required in the domestic car building and repair program." Such steel and pig iron consumers further agree that they will not use steel or pig iron secured under the domestic car building and repair program for any other purpose.

7. The individual steel companies and pig iron producers participating in the program agree to furnish the Office of Defense Transportation reports on forms furnished by the Office of Defense Transportation showing the quantities of steel and pig iron shipped monthly under the program in accordance with purchase orders designated as provided in paragraph 6 hereof to (1) contract car builders, (2) railroads and private car lines, and (3) component parts manufacturers. Each car builder participating in the program agrees to furnish monthly reports on forms furnished by the Office of Defense Transportation showing the quantities and types of steel received under the program from individual steel mills and the number of domestic railway freight cars it constructs each month. The railroads and private car lines participating in the program also agree to furnish reports on forms furnished by the Office of Defense Transportation showing the number of freight cars accorded heavy repairs each month. The Director of the Office of Defense Transportation will furnish the Secretary of Commerce a summary of such monthly reports. The Office of Defense Transportation reserves the right to request the participants in the program to submit such individual reports from time to time as it may consider appropriate. Summaries of such individual reports will also be furnished the Secretary of Commerce.

8. From time to time the Office of Defense Transportation will call together in joint or separate meetings the members of the five industry advisory committees for full discussion of problems arising under the domestic car building and repair program.

9. Nothing in this Voluntary Allocation Plan No. — shall be construed as authorizing or approving any fixing of prices.

This Voluntary Allocation Plan No. — shall cease to be effective on March 1, 1949, or at such earlier time as the Secretary of Commerce may hereafter designate.

[F. R. Doc. 48-2159; Filed, Mar. 9, 1948; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 19]

DESIGNATION OF MOTIONS COMMISSIONER FOR MARCH 1948

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of February 1948;

It is ordered, Pursuant to § 1.111 of the Commission's Rules and Regulations, that Robert F. Jones, Commissioner, be and he is hereby designated as Motions Commissioner for the month of March 1948.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-2134; Filed, Mar. 9, 1948; 8:55 a. m.]

[Docket Nos. 7655, 8388]

JAMES A. NOE (KNOE) AND MODEL CITY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James A. Noe (KNOE), Monroe, Louisiana, Docket No. 7655, File No. BMP-1839; Model City Broadcasting Company, Inc., Anniston, Alabama, Docket No. 8388, File No. BP-5250; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1948;

The Commission having under consideration the petition of James A. Noe for leave to amend his above-entitled application (requesting authorization to operate Station KNOE on 1390 kc, with 5 kw power, U, DA-N, at Monroe, Louisiana), for extension of time within which to file exceptions to the Commission's proposed decision looking toward a denial of the KNOE application, for removal of the application from hearing docket and grant, and for other relief; and the petition of Model City Broadcasting Company, Inc., requesting the Commission to consolidate the hearing on its above-

entitled application for authorization to construct a new standard broadcast station at Anniston, Alabama, to operate on 1390 kc, 1 kw power, DA–1, U, with the hearing heretofore held on the KNOE application in the event it appears to the Commission that a grant of one of the applications would prevent a grant of the other;

It appearing, that the above-entitled application of Model City Broadcasting Company, Inc., filed on September 12, 1946, prior to the commencement of the KNOE application hearing on January 27, 1947, was designated for hearing on April 30, 1947, to determine, among other things, the extent of interference, if any, which the proposed Anniston, Alabama, station would cause to the operation of KNOE as proposed; and that the amendment referred to in the said petition of James A. Noe for leave to amend, good cause having been shown for its filing more than 20 days after the issuance of the aforesaid proposed decision, would not eliminate the aforesaid interference factor which is of such a nature as to require a comparative consideration of the two applications after a consolidated hearing;

It is ordered, That the said petition of James A. Noe, insofar as it requests leave to amend his above-entitled application, be, and it is hereby, granted and that the amendment referred to therein be, and it is hereby, accepted for filing; that the record heretofore made in the proceeding involving the said KNOE application be, and it is hereby, reopened; that the said petition of Model City Broadcasting Company, Inc. for consolidation of the two applications be, and it is hereby, granted; and that the two above-entitled applications be, and they are hereby, consolidated for hearing and further hearing, as the case may be said hearing to be held at Washington, D. C., on March 11, 1948, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station and station KNOE as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and station KNOE as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed station and station KNOE as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station and station KNOE as proposed would involve objectionable interference with station XETL, Veracruz, and/or station XEM, Chihuahua or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference.

6. To determine whether the operations of the proposed station and station KNOE as proposed would involve objectionable interference, each with the other, or with the operations proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations, and whether the proposed Anniston station's directional antenna array can be reoriented in such a manner as to improve or completely eliminate such interference as it may cause to the KNOE proposal.

7. To determine whether the installation and operation of the proposed station and station KNOE as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, in view of the foregoing, James A. Noe's petition, insofar as it requests that his application be removed from the hearing docket and granted, be, and it is hereby, denied, and, that, his request for extension of time within which to file exceptions to the aforesaid proposed decision, be, and it is hereby, dismissed as moot.

It is further ordered, That the previous orders of the Commission issued in connection with the above-entitled applications, insofar as they are inconsistent with this order, be, and they are hereby, amended to conform herewith.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2140; Filed, Mar. 9, 1948; 8:56 a. m.]

[Docket No. 8254]

MT. PLEASANT BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Winston O. Ward tr/as Mt. Pleasant Broadcasting Company, Mt. Pleasant, Texas, Docket No. 8254, File No. BP–5439; for construction permit.

Whereas, the above-entitled application of Winston O. Ward tr/as Mt. Pleasant Broadcasting Company, Mt. Pleasant, Texas, is scheduled to be heard at Washington, D. C., on March 4, 1948; and

Whereas, the said applicant filed on February 5, 1948, a petition requesting reconsideration and grant without hearing of the above-entitled application, which has not yet been acted on by the Commission; and

Whereas, the public interest, convenience, and necessity would be served by a continuance of the hearing on the above-entitled application until the Commission has had an opportunity to act on the said petition for reconsideration and grant without hearing;

It is ordered, This 1st day of March, 1948, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, March 18, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2135; Filed, Mar. 9, 1948; 8:56 a. m.]

[Docket Nos. 8404, 8565]

GLENS FALLS PUBLICITY CORP. (WGLN) AND GRANITE STATE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Glens Falls Publicity Corporation (WGLN), Glens Falls, New York, Docket No. 8404, File No. BML–1247; Granite State Broadcasting Co., Inc., Claremont, New Hampshire, Docket No. 8565, File No. BP–6141; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard in a consolidated proceeding on March 3, 1948, at Washington, D. C.; and

Whereas, Glens Falls Publicity Corporation (WGLN) filed on February 20, 1948, a petition requesting leave to amend its above-entitled application to specify 1280 kc, 1 kw, unlimited time, using directional antenna, in lieu of 1230 kc, 250 watts power, unlimited time, and further requesting removal of its said application as amended from the hearing docket; and

Whereas, the said petition filed by Glens Falls Publicity Corporation (WGLN) is not accompanied by the affidavit required by § 1.365 (a) of the Commission's rules and regulations; but counsel for the said petitioner has informed the Commission that such affidavit will be filed with the Commission in the near future; and

Whereas, a grant of the said petition filed by Glens Falls Publicity Corporation (WGLN) would make unnecessary the hearing now scheduled for March 3, 1948;

It is ordered, This 2d day of March 1948, that the said consolidated hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, March 22, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2138; Filed, Mar. 9, 1948; 8:56 a. m.]

[Docket No. 8416]

PAWTUCKET BROADCASTING CO. (WFCI)

ORDER CONTINUING HEARING

In re application of Pawtucket Broadcasting Company (WFCI), Pawtucket,

Rhode Island, Docket No. 8416, File No. BML–1249; for modification of license.

Whereas, the above-entitled application of Pawtucket Broadcasting Company (WFCI), Pawtucket, Rhode Island, is scheduled to be heard at Pawtucket, Rhode Island, on March 3, 1948; and

Whereas, the convenience of the Commission would be served by continuing the said hearing to March 8, 1948; and

Whereas, counsel for the above-entitled applicant has consented to such continuance;

It is ordered, This 1st day of March, 1948, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, March 8, 1948, at Pawtucket, Rhode Island.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–2136; Filed, Mar. 9, 1948; 8:56 a. m.]

[Docket Nos. 8793–8797, 8823]

TEXAS TELEVISION CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Roy Hofheinz d/b as Texas Television Company, Houston, Texas, Docket No. 8793, File No. BPCT–271; Houston Post Company, Houston, Texas, Docket No. 8794, File No. BPCT–274; Fred Weber, E. A. Stephens, and William H. Talbot, d/b as Texas Broadcasters, Houston, Texas, Docket No. 8795, File No. BPCT–306; KTRH Broadcasting Company, Houston, Texas, Docket No. 8796, File No. BPCT–308; Shamrock Broadcasting Company, Houston, Texas, Docket No. 8797, File No. BPCT–319; Harris County Broadcast Company, Houston, Texas, Docket No. 8823, File No. BPCT–335; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of February, 1948;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for television station at Houston, Texas; and

It appearing, that the above-entitled applications exceeded in number the television channels allocated to Houston, Texas, under § 3.606 of the Commission's rules and regulations;

It is ordered, That pursuant to section 309 (a) of the Communications Act, as amended, the above-entitled applications are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–2133; Filed, Mar. 9, 1948; 8:55 a. m.]

[Docket No. 8822]

COASTAL BROADCASTING CO., INC. (WBEY)

ORDER TO SHOW CAUSE

In re application of Coastal Broadcasting Company, Inc. (WBEY), Bay Shore, New York, File No. BPH–1257, Docket No. 8822; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 26th day of February 1948;

The Commission having under consideration the application of Greenwich Broadcasting Corporation requesting a construction permit for a new Class A FM broadcast station to operate on Channel No. 240 at Greenwich, Connecticut (File No. BPH–1364), and a petition filed by said applicant on February 17, 1948, requesting that the Commission grant its said application and issue an order to show cause directed to Coastal Broadcasting Company, Inc. (WBEY), conditional grantee of a construction permit for a new Class A FM broadcast station to operate on Channel No. 240 at Bay Shore, New York;

It appearing, that on July 31, 1947, the Commission *conditionally* granted the above-entitled application of Coastal Broadcasting Company, Inc. (WBEY) for a construction permit for a new Class A FM broadcast station to operate on Channel No. 240 at Bay Shore, New York, and that the said construction permit has not yet been authorized; and

It further appearing, that Class A Channel No. 296 could be assigned to Coastal Broadcasting Company, Inc., at Bay Shore, New York, in lieu of Channel No. 240, making Channel No. 240 available for assignment to any qualified applicant at Greenwich, Connecticut; that no other FM channel is available for assignment at Greenwich, Connecticut, a city of 28,056 persons (1940 U. S. Census), no FM station has been authorized in that city, and no channel other than Channel No. 240 is presently available for assignment in that city; that the above-described application of Greenwich Broadcasting Corporation is now pending requesting a Class A FM broadcast station at Greenwich, Connecticut; that Bay Shore, New York has a population of 8,631; that there is no substantial difference between Channel Nos. 240 and 296; and that such reassignment of channels would not appear to adversely affect Coastal Broadcasting Company, Inc. and would provide a fair, efficient and equitable distribution of FM facilities between the cities and states involved; and

It further appearing, in the light of the foregoing, that the assignment of Channel No. 296 to Coastal Broadcasting Company, Inc., in lieu of Channel No. 240 would promote the public interest, convenience and necessity and that, pursuant to section 312 (b) of the Communications Act of 1934, as amended, any construction permit may be modified by the Commission for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience and necessity, provided that no such order of modification shall become final until the holder of such outstanding permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given a reasonable opportunity to show cause why such order of modification should not issue.

It is ordered, That the said petition be, and it is hereby, granted in part insofar as it requests that the Commission issue an order to show cause;

It is further ordered, That, pursuant to section 312 (b) of the Communications Act of 1934, as amended, that the conditional grant heretofore made to Coastal Broadcasting Company, Inc. be, and it is hereby, modified effective 15 days from the date of release of this order to specify operation on Channel No. 296 (107.1 mcs) in lieu of Channel No. 240 (95.9 mcs): *Provided, however*, That such modification shall not become final in the event Coastal Broadcasting Company, Inc., within such 15 day period files with the Commission a request for opportunity to show cause at a hearing, before the Commission, why such modification should not issue.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–2139; Filed, Mar. 9, 1948; 8:56 a. m.]

[Docket No. 8835]

CENTRAL ILLINOIS RADIO CORP. (WWXL) AND ILLINOIS VALLEY BROADCASTING CO. (WIRL AND WIRL–FM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of Central Illinois Radio Corporation (WWXL), Peoria, Illinois, Docket No. 8835, File No. BMP–3041; for modification of construction permit. Edward J. Altorfer, John M. Camp, John H. Altorfer, Katherine A. Swain and Timothy W. Swain, a partnership d/b as Illinois Valley Broadcasting Company (WIRL and WIRL–FM), assignor, and Illinois Valley Broadcasting Company, assignee, Peoria, Illinois, File No. BAP–53; for assignment of construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1948;

The Commission having under consideration the above-entitled application (1) requesting modification of the WWXL construction permit to specify facilities on 1290 kc now assigned to station WIRL under a construction permit,

and (2) requesting consent to the voluntary assignment of the construction permits for stations WIRL and WIRL–FM from Illinois Valley Broadcasting Company, a partnership, to a corporation of the same name; and the Commission also having under consideration a petition filed August 11, 1947, by Central Illinois Radio Corporation (WWXL), requesting that the said applications be designated for hearing in a consolidated proceeding and that the WIRL construction permit be placed in issue therein;

Whereas, the said petition is based upon allegations that there has been undue delay in the construction of station WIRL, that the partners fraudulently concealed their intention to form a corporation to construct and operate the station, and that it is proposed to transfer control of the station to a new group;

It appearing, that, from the pleadings filed by the respective parties and the records of the Commission, there is no real dispute that construction of station WIRL had been timely commenced in accordance with the construction permit, that such construction was proceeding at the time the petition and other pleadings were filed and that such construction has now been completed, so that there has been no default by the permittee of station WIRL; and

It further appearing, that the partnership agreement, which was in evidence in the hearings on the applications of Illinois Valley Broadcasting Company (WIRL) for a new standard broadcast station (Docket No. 6710) in March of 1946, and for a new FM station (Docket No. 7588) in July of 1946, made it clear that the partners reserved the right to incorporate the enterprise at some future time as deemed advisable, and it appearing that the Commission was fully advised as to the not unusual possibility of a change in the business entity, and that testimony by the partners in the FM hearing to the effect that they had no present intention to incorporate was immaterial to the issues and played no part in the decisions in said hearings; and

It further appearing, that four of the five partners in Illinois Valley Broadcasting Company collectively hold 60% of the stock in the assignee corporation; that, although the original assignment application indicated that five of the nine directors of the assignee corporation were newcomers to the enterprise, the application as amended indicates that the number of directors has been reduced to five, only one of whom is a newcomer; and that effective control of the assignee corporation will be exercised by the four partners remaining in the enterprise; and

It further appearing, that there is, therefore, no basis under section 312 (a) of the Communications Act of 1934, as amended, for instituting proceedings for the revocation of the WIRL construction permit, and that without said construction permit being in issue the consolidated hearing requested by petitioner would be a vain thing; and

It further appearing, that Illinois Valley Broadcasting Company, its officers, directors and stockholders are qualified in all respects to construct and operate stations WIRL and WIRL–FM, and that approval of the said application for consent to the assignment of the construction permits for said stations to said corporation would be in the public interest;

It is ordered, That the said petition by Central Illinois Radio Corporation (WWXL) be, and it is hereby, denied, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Central Illinois Radio Corporation for modification of construction permit be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WWXL as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of station WWXL as proposed would involve objectionable interference with any existing broadcast stations, or with the services proposed in any pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of station WWXL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Illinois Valley Broadcasting Company, permittee of station WIRL, Peoria, Illinois, be, and it is hereby, made a party to this proceeding;

It is further ordered, That the application (File No. BAP–53) for consent to the assignment of the construction permits for stations WIRL and WIRL–FM from Illinois Valley Broadcasting Company, a partnership, to a corporation of the same name be, and it is hereby, granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2141; Filed, Mar. 9, 1948; 8:57 a. m.]

[Docket No. 8777]

MACKAY RADIO AND TELEGRAPH CO.

ORDER AMENDING CAPTION

In the matter of Mackay Radio and Telegraph Company. Applications for radiotelegraph circuits between the United States and Finland, Portugal, Surinam, and The Netherlands.

The Commission, having under consideration a motion filed on February 18, 1948, by Mackay Radio and Telegraph Company requesting dismissal without prejudice of its applications for modification of license (File No. 10364–MLHT–B) and for renewal of special temporary authorization (File No. T1–RSA–680–1), to communicate with Finland, which applications are pending herein;

It appearing, that no objection to the above motion has been filed;

It is ordered, This 3d day of March 1948, that the above motion is granted, and that the above-described applications are dismissed without prejudice.

It is further ordered, That the caption in the above proceeding is amended by deleting "Finland," therefrom.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–2137; Filed, Mar. 9, 1948; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF ORDER DETERMINING NET CHANGES IN ACTUAL LEGITIMATE ORIGINAL COST AND PRESCRIBING ACCOUNTING THEREFOR AND DIRECTING SUBMISSION OF REVISED LAND MAPS AND LAND DESCRIPTIONS

MARCH 4, 1948.

Notice is hereby given that, on March 4, 1948, the Federal Power Commission issued its order entered March 2, 1948, in the above-designated matter, determining net changes in actual legitimate original cost of project and prescribing accounting therefor, and directing submission of revised land maps and land descriptions.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2113; Filed, Mar. 9, 1948; 8:51 a. m.]

[Project No. 420]

CITY OF KETCHIKAN, ALASKA

NOTICE OF ORDER GRANTING PARTIAL EXEMPTION FROM PAYMENT OF ANNUAL CHARGES

MARCH 4, 1948.

Notice is hereby given that, on March 4, 1948, the Federal Power Commission issued its order entered March 2, 1948, granting partial exemption from payment of annual charges in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2114; Filed, Mar. 9, 1948; 8:51 a. m.]

[Docket Nos. G–960, G–961]

UNITED FUEL GAS CO. AND CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 4, 1948.

Notice is hereby given that, on March 4, 1948, the Federal Power Commission issued its findings and orders entered March 2, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2111; Filed, Mar. 9, 1948; 8:50 a. m.]

[Project No. 1975]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

MARCH 4, 1948.

Notice is hereby given that, on March 3, 1948, the Federal Power Commission issued its order entered March 2, 1948, authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-2112; Filed, Mar. 9, 1948; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Amdt. 7 to Special Directive 25]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 25 (12 F. R. 8389; 13 F. R. 301, 407), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 25, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof:

(1) To furnish to the mines listed below cars for the loading of The Central Railroad Company of New Jersey fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine:	*Cars for March 1948*
Katherine & Pepper	100
Linda	20
Cliff	40
Elk Hill	30
Roberta	50
Keeley	50
Henshaw	10
Riley	30
Millie	25
McCandlish	15
Galloway Nos. 2 and 3	150

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2118; Filed, Mar. 9, 1948; 8:51 a. m.]

[S. O. 790, Special Directive 49-A]

LOUISVILLE AND NASHVILLE RAILROAD CO.

DIRECTIVE TO VACATE ORDER TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 49 under Service Order No. 790 be, and it is hereby vacated effective 12:01 a. m., March 4, 1948.

A copy of this special directive shall be served upon The Louisville and Nashville Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2119; Filed, Mar. 9, 1948; 8:51 a. m.]

[I. & S. No. 5553]

COMBINATION RATES; GENERAL INCREASES 1946

MARCH 3, 1948.

Respondents in the above-entitled proceeding have agreed that verified statements (affidavits) may be submitted by protestants without the personal appearance of the affiant as a witness and accepted as a part of the record in the proceeding.

Parties desiring to offer such statements should mail 40 copies to the Commission, and 35 copies to J. M. Souby, General Solicitor, Association of American Railroads, Transportation Building, Washington 6, D. C., so that they will be received not less than one day prior to the date of the hearing. Such statements should conform to the rules of practice in respect of style, mimeographing or printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-2117; Filed, Mar. 9, 1948; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-51, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER APPROVING APPLICATION FOR PAYMENT OF CERTAIN AMOUNT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of February A. D. 1948.

In the matter of Electric Bond and Share Company, et al., National Power & Light Company, et al., File No. 54-51, Application 10, Part E; Electric Bond and Share Company, National Power & Light Company, et al. File No. 59-12.

National Power & Light Company ("National"), a registered holding company, having filed an application, designated Application 10, under section 11 (e) and other applicable provisions of the Public Utility Holding Company Act of 1935, relating to the dissolution of National; and

The Commission by order dated May 27, 1946 having approved as Part E of said Application 10 a plan pursuant to section 11 (e) of the act, subject to a reservation of jurisdiction with respect to legal fees and expenses in connection with said plan except certain fees specially provided for in said plan; and

Israel Beckhardt, an attorney for a stockholder of National, having filed an application for compensation in connection therewith; and

A public hearing having been held after appropriate notice, briefs having been filed and oral argument heard; and

The Commission having considered the record and having this day issued its findings and opinion herein;

It is ordered, That the application of Israel Beckhardt for approval of payment to him by National of fees and expenses be, and it is hereby, approved in the amount of $2,000, and denied in respect of any request in excess of that amount.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-2101; Filed, Mar. 9, 1948; 8:49 a. m.]

[File No. 70-1633]

PHILADELPHIA CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of March 1948.

In the matter of Philadelphia Company, Pittsburgh and West Virginia Gas Company, Equitable Gas Company, and Finleyville Oil and Gas Company; File No. 70-1633.

Notice is hereby given that Philadelphia Company, a registered holding company, and Pittsburgh and West Virginia Gas Company ("Pittsburgh and West Virginia"), Equitable Gas Company ("Equitable"), and Finleyville Oil and Gas Company ("Finleyville"), have filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act") and the Rules and Regulations promulgated thereunder.

Pittsburgh and West Virginia, also a registered holding company, and Finleyville are wholly owned direct subsidiaries of Philadelphia Company and Equitable is a wholly owned direct subsidiary of Pittsburgh and West Virginia. Philadelphia Company is a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies. Pittsburgh and West Virginia is engaged in the production and transmission of natural gas. Finleyville owns and operates a natural gas production and transmission system in Allegheny County, Pennsylvania. Equitable, in addition to owning and operating natural gas transmission and distribution properties, operates certain natural gas production,

transmission and distribution properties which it leases from Philadelphia Company, located in Pittsburgh, Pennsylvania, under leases which expire November 30, 1948.

Under the proposals, among other matters, all the natural gas producing, transmission and distribution properties of the Philadelphia Company system in Pennsylvania would be owned and operated by Equitable, Philadelphia Company would own all of the common stock of Equitable, and Equitable would be recapitalized.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

A. Pittsburgh and West Virginia proposes to declare a dividend in kind to Philadelphia Company of:

1. The Capital Stock of Equitable owned by Pittsburgh and West Virginia and consisting of 33,000 shares, par value $100 per share.

2. The demand promissory notes of Equitable in the aggregate principal amount of $11,450,000 owned by Pittsburgh and West Virginia, together with the non-current accounts receivable for interest ($9,055,670.90 at June 30, 1947) upon such notes owing by Equitable to Pittsburgh and West Virginia.

B. Philadelphia Company proposes to transfer to Equitable, in exchange for new Common Stock and First Mortgage Bonds to be issued by Equitable, as set forth below, the following:

1. The natural gas producing, transmission and distribution properties of Philadelphia Company now leased to and operated by Equitable.

2. The demand promissory notes of Equitable in the aggregate principal amount of $2,090,407.70 owned by Philadelphia Company, together with the non-current accounts receivable for interest and rents ($18,863,464.32 at June 30, 1947) owing by Equitable to Philadelphia Company.

3. The current account for rent and current interest ($1,144,008.84 at June 30, 1947) owed by Equitable to Philadelphia Company.

4. The present Capital Stock of Equitable, consisting of 33,000 shares, par value $100 per share, proposed to be received by Philadelphia Company from Pittsburgh and West Virginia.

5. The demand promissory notes of Equitable aggregating $11,450,000 principal amount, together with the non-current accounts receivable for interest ($9,055,670.90 at June 30, 1947) upon such notes proposed to be received by Philadelphia Company from Pittsburgh and West Virginia.

C. Equitable proposes:

1. To increase its authorized Capital Stock so that there will be authorized, in lieu of the 33,000 shares of Capital Stock, par value of $100 per share, now authorized and outstanding, 750,000 shares of new Common Stock, par value $20 per share.

2. To create and authorize the issuance of $15,000,000 principal amount of 2⅞% first Mortgage Bonds, Series due October 1, 1972, to be issued under and secured by Trust Indenture dated October 1, 1947 to Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania.

3. To issue to Philadelphia Company, in exchange for the assets to be transferred by that Company to Equitable, as set forth above, (i) $14,000,000 principal amount of Equitable's First Mortgage Bonds, Series due October 1, 1972, and (ii) 547,000 shares of the new Common Stock, $20 par value, of Equitable.

4. To retain the remaining $1,000,000 principal amount of First Mortgage Bonds, Series due October 1, 1972, for use in providing funds to reimburse Equitable for 100% of the cost or fair value, whichever is less, of permanent additions, as defined under the terms of said Trust Indenture.

5. To cancel the promissory notes and the indebtedness of Equitable represented by the accounts transferred by Philadelphia Company to Equitable, as aforesaid, and retire and cancel the 33,000 shares of its Capital Stock transferred by Philadelphia Company to Equitable and reduce its capital stock accordingly.

D. Finleyville proposes:

1. To transfer to Equitable all its natural gas properties at net depreciated book value as of June 30, 1947 ($501,775.37) together with certain other minor assets (value $1,767.37 as of June 30, 1947).

2. To transfer to Equitable its net gas plant in service, carried at $501,775.37, and certain miscellaneous assets and deferred debits amounting to $1,767.37 in partial cancellation of the deferred credit account representing prepayments for undelivered gas made by Equitable to Finleyville and amounting to $619,319.87 as of June 30, 1947.

The balance of the account ($115,777.13) will be set up as an account payable to Equitable, which will be assumed by Philadelphia Company upon liquidation of Finleyville.

3. To transfer to Philadelphia Company its remaining assets, including 7,009 shares of common stock of Monongahela Street Railway Company, an indirect subsidiary of Philadelphia Company, subject to Finleyville's liabilities, including the accounts payable to Equitable, which will be treated as an off-set in determining the amount of the new Common Stock to be issued by Equitable to Philadelphia Company.

The applicants-declarants propose that the transactions be consummated as of June 30, 1947, affecting the capital structure of Equitable as follows:

		Outstanding June 30, 1947	Pro forma
First mortgage bonds due 1972			$14,000,000
Indebtedness to affiliates, not current:			
Philadelphia Co.	$20,953,872.02		
Pittsburgh & West Virginia	20,505,670.90		
		[1] $41,459,542.92	
New common stock			10,940,000
Present capital stock		3,300,000	
Earned surplus (deficit)		(41,064,385.74)	

[1] After adjustment for interest owing to Philadelphia Co. earned from Jan. 1, to June 30, 1947 ($409,310.98) and to Pittsburgh & West Virginia ($345,408.34).

Sections 6, 7, 9, 10, 12 (b), 12 (c) 12 (d) and 12 (f) of the act and Rules U-42, U-43, U-44, U-46 and U-50 (a) (3) are designated by applicants-declarants as applicable to the proposed transactions. Applicants-declarants state that the specifications as to the procedures considered necessary or appropriate to be followed in this proceeding will be made during the course of the hearing herein, as provided for by the provisions of Rule III (e) of the Commission's rules of practice.

Applicants-declarants represent that the Public Service Commission of West Virginia has jurisdiction as to the declaration and payment of a dividend in kind by Pittsburgh and West Virginia to Philadelphia Company and that the Pennsylvania Public Utility Commission has jurisdiction as to the several proposed acquisitions of stock by Philadelphia Company, the issuance of securities by Equitable, and the acquisition by Equitable from Philadelphia Company of the latter company's natural gas properties.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions for the purpose of affording an opportunity to all interested persons to present evidence and be heard with respect to the proposed transactions contained in said joint application-declaration; and that appropriate notice thereof be given to all interested parties;

It is ordered, That the hearing upon said matters shall be held under the applicable provisions of the act and rules promulgated thereunder on March 30, 1948, at 10 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated at such time by the hearing room clerk in Room 101.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the joint application-declaration and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed acquisitions by Philadelphia Company from Pittsburgh and West Virginia of securities of Equitable and of Common Stock of Monongahela Street Railway Company from Finleyville satisfy the requirements of section 10 of the act and particularly the requirements of sections 10 (b) (1), 10 (b) (3), 10 (c) (1) and 10 (c) (2).

2. Whether the proposed acquisitions by Philadelphia Company from Equitable of the shares of new Common Stock and First Mortgage Bonds, due 1972, issued by Equitable satisfies the requirements of

section 10 of the act and particularly the requirements of sections 10 (b) (1), 10 (b) (3), 10 (c) (1) and 10 (c) (2).

3. Whether the proposed transfer by Pittsburgh and West Virginia of the aforesaid securities and open account indebtedness of Equitable as a dividend in kind will affect the financial integrity of the companies within the holding company system of Philadelphia Company or otherwise fails to satisfy the requirements of section 12 of the act or the rules and regulations promulgated thereunder.

4. Whether the proposed sale by Philadelphia Company of its gas properties to Equitable meets the requirements of section 12 of the act and the rules and regulations promulgated thereunder.

5. Whether the proposed acquisition by Equitable of the gas properties of Philadelphia Company satisfies the requirements of section 10 of the act and particularly the requirements of sections 10 (b) (1), 10 (b) (3), 10 (c) (1) and 10 (c) (2).

6. Whether the proposed acquisition by Equitable of the gas properties of Finleyville satisfies the requirements of section 10 of the act and particularly the requirements of sections 10 (b) (1), 10 (b) (3), 10 (c) (1) and 10 (c) (2).

7. Whether the proposed acquisition by Equitable of 33,000 shares of its presently outstanding Capital Stock and the retirement of such shares satisfy the requirements of section 12 (c) of the act.

8. Whether the proposed issuance and sale by Equitable of the said new Bonds and Common Stock are exempt from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b), and, if so, whether terms or conditions should be prescribed with respect to the proposed transactions in the public interest or for the protection of investors or consumers, and, if so, what such terms and conditions should be; and if said transactions are found subject to section 7, then whether the proposed issuance and sale by Equitable of said new Bonds and Common Stock satisfy the requirements of section 7 of the act and particularly whether such securities are reasonably adapted to the security structure of such Company and other companies within the same holding company system and are reasonably adapted to the earning power of such company.

9. Whether the terms and conditions of the proposed issuance and sale by Equitable of the said new Bonds and Common Stock are detrimental to the public interest or the interest of investors or consumers.

10. Whether the indenture securing the new Bonds proposed to be issued by Equitable contains adequate protective provisions for the benefit of investors.

11. Whether the transactions proposed to be undertaken by Finleyville with Equitable and Philadelphia Company meet the standards of section 12 of the Act and the Rules and Regulations promulgated thereunder.

12. Whether the fees, commissions, or other remuneration to be paid in connection with the proposed transactions are for necessary service and are reasonable in amount.

13. Whether the accounting entries proposed to be made upon the books of the applicants-declarants to reflect the proposed transactions are proper and conform to sound accounting principles and meet the standards of the act.

14. Whether terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers, and, if so, what such terms and conditions should be.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That Richard Townsend or any other hearing officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The hearing officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, not later than two days prior to the date hereinbefore fixed as the date for said hearing, his request or application therefor, as prescribed by Rule XVII of the rules of practice of the Commission. Such request shall set forth the nature of the applicants' interest in the proceedings, his reasons for requesting to be heard or to intervene, which of the allegations and issues, as set forth herein, applicant proposes to controvert, together with a statement of any additional issues which the applicant proposes to raise with respect to the proposed transactions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this Notice and order of hearing by registered mail to Philadelphia Company, Pittsburgh and West Virginia Gas Company, Equitable Gas Company, Finleyville Oil and Gas Company, Standard Power and Light Corporation, Standard Gas and Electric Company, Federal Power Commission, Public Service Commission of West Virginia, Pennsylvania Public Utility Commission, City of Pittsburgh, Pa., and The County of Allegheny, Pa.; that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2104; Filed, Mar. 9, 1948; 8:49 a. m.]

[File No. 70-1728]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of March A. D. 1948.

In the matter of Electric Bond and Share Company, Ebasco Services, Incorporated, and Two Rector Street Corporation; File No. 70-1728.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, its wholly owned non-utility subsidiary, Ebasco Services Incorporated ("Ebasco"), and Ebasco's wholly owned non-utility subsidiary, Two Rector Street Corporation ("Two Rector"), having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 12 (b), 12 (f), and 12 (g) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-45 and U-50 promulgated thereunder with respect to the following transactions:

Two Rector has outstanding in the hands of The Prudential Insurance Company of America ("Prudential") a $2,400,000 First Mortgage on real estate located at 2 Rector Street, New York. Such mortgage bears interest at the rate of 4½% per annum from April 1, 1945 to January 1, 1955, and at the rate of 5% per annum from January 1, 1955 to April 1, 1955, the date of the expiration of the mortgage. Two Rector proposes to pay $400,000 on account of the principal of this indebtedness and to renew the loan for the balance of $2,000,000 for a period of 15 years from January 1, 1948, with interest at the rate of 4% per annum for the first five years and 3½% per annum thereafter. Payments on account of principal are not to commence until April 1, 1951, after which quarterly payments of $51,671.76, representing payments both on account of principal and interest, are to be paid until the entire loan is paid off.

To enable it to make the $400,000 payment, Two Rector proposes to borrow $375,000 from a New York bank for a term of three years, payable in equal quarterly installments and bearing interest at the rate of 2½% per annum.

In connection with the proposed extension, Bond and Share, Ebasco, Two Rector, and Prudential propose to execute agreements to extend the present lease from 1955 to 1963. The agreements provide that Ebasco will pay, as a minimum, a net rental to Two Rector which will give that corporation net earnings, before interest and depreciation deductions, sufficient to cover the payments of interest and principal due under the terms of the bank loan as well as the interest and principal due on the mortgage. Bond and Share under the agreements is liable to Two Rector in the event Ebasco defaults.

Said joint application-declaration having been filed on January 23, 1948 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said

application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the applicable statutory standards are satisfied and that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective, without prejudice, however, to any action the Commission may take with respect to Bond and Share under section 11 (b) of the act; and further deeming it appropriate to grant the request that this order be effective upon the issuance thereof;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration be, and the same hereby is, granted, and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2102; Filed, Mar. 9, 1948; 8:49 a. m.]

[File No. 70-1729]

ENGINEERS PUBLIC SERVICE CO. (INC.)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of February A. D. 1948.

Engineers Public Service Company (Incorporated) ("Engineers"), a registered holding company, having filed a declaration and an amendment thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("the act"), with respect to the transactions summarized below:

Engineers proposes to borrow $200,000 from The Chase National Bank of the City of New York as soon as possible after appropriate authorization by this Commission, said loan to be evidenced by a note maturing March 25, 1948 and bearing interest at the rate of 1½% per annum. The declaration states that the proceeds of the $200,000 loan will be used by Engineers to enable it to meet current operating requirements, including certain Federal income tax payments. Engineers also proposes to borrow $900,000 from the Irving Trust Company, said loan to be evidenced by a note dated March 25, 1948, maturing six months from the issue date and bearing interest at the rate of 1¾% per annum. The declaration further states that the proceeds from the $900,000 note will be used for the payment to The Chase National Bank of the City of New York of a presently outstanding $700,000 note bearing interest at the rate of 1½% and maturing March 25, 1948, and the $200,000 note for which approval is presently sought.

Said declaration having been filed on January 23, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the provisions prescribed in Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2106; Filed, Mar. 9, 1948; 8:50 a. m.]

[File No. 70-1731]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of March 1948.

Delaware Power & Light Company ("Delaware"), a registered holding company and an electric utility company, and its wholly-owned subsidiary, The Eastern Shore Public Service Company of Maryland ("Eastern Shore"), an electric utility company, having filed a joint application-declaration, and an amendment thereto, pursuant to sections 6 (b), 9 (a), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 promulgated thereunder, with respect to the following transactions:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1949, up to $2,000,000 principal amount of its 3½% promissory notes due October 1, 1937 and 20,000 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value to the principal amount of such notes. The proceeds from the sale of said notes and common stock, which will not exceed $4,000,000, is to be used to finance Eastern Shore's construction program. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed transactions having been approved by the Public Service Commission of Maryland; and

Such joint application-declaration, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application-declaration, as amended, be granted and permitting to become effective, and deeming it appropriate to grant a request of applicants-declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, and the proposed transactions may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2110; Filed, Mar. 9, 1948; 8:50 a. m.]

[File No. 70-1747]

LOUISIANA POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of March A. D. 1948.

Louisiana Power & Light Company ("Louisiana"), a utility subsidiary of Electric Power & Light Corporation, which is a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder, with respect to the following transaction:

Louisiana proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of First Mortgage Bonds ____% series, due 1978, to be issued under and to be secured by the company's presently existing Mortgage and Deed of Trust, dated as of April 1, 1944, as supplemented by a First Supplemental Indenture to be dated as of March 1, 1948. It is contemplated that of the cash proceeds from the sale of the bonds there will presently be added to the company's general cash funds the sum of approxi-

mately $7,500,000 being the total amount which the company is authorized under the outstanding Mortgage and Deed of Trust to withdraw on the basis of presently existing unfunded property additions; the balance of approximately $2,500,000 will be retained in trust by the corporate trustee pending such time as it may be withdrawn on the basis of property additions under the provisions of the Mortgage and Deed of Trust as supplemented.

The application-declaration states that the Louisiana Public Service Commission has never exercised jurisdiction in connection with transactions similar to the transactions herein proposed and that no Federal Commission or agency other than this Commission has jurisdiction to authorize or approve the proposed transactions.

The application-declaration having been filed on February 12, 1948 and an amendment thereto having been filed on March 1, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate that the said application-declaration, as amended, be granted and permitted to become effective, and the Commission further deeming it appropriate to grant applicant-declarant's request that the order become effective upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application-declaration as amended, be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the following additional conditions, the imposition of which has been assented to by the Company:

(1) That the proposed sale of bonds of Louisiana shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2109; Filed, Mar. 9, 1948; 8:50 a. m.]

[File No. 70-1750]

UTAH POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of March A. D. 1948.

Notice is hereby given that Utah Power & Light Company ("Utah") a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (a) and 7 of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that all interested persons may not later than March 12, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for said request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. s. t., on March 12, 1948, said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file with this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Utah proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,000,000 principal amount of First Mortgage Bonds, ____% Series due 1978, and $3,000,000 principal amount of ____% Sinking Fund Debentures due 1973. The proceeds from the sale of these securities together with treasury cash will be used to finance in part the construction program of Utah and its subsidiary The Western Colorado Power Company. To the extent that available funds are not sufficient to meet construction expenditures for 1949 and 1950 it is anticipated that they will be provided through the issuance of additional securities from time to time.

Utah also proposes to submit to its stockholders at the next annual meeting a proposal to amend its certificate of organization so as to increase its authorized capital stock from 1,250,000 shares without par value to 1,500,000 shares without par value.

Declarant requests that the Commission's order herein be issued as quickly as practicable and become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2103; Filed, Mar. 9, 1948; 8:49 a. m.]

[File No. 70-1755]

OKLAHOMA GAS AND ELECTRIC CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of March 1948.

Notice is hereby given that an application and a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and the General Rules and Regulations promulgated thereunder, by Oklahoma Gas and Electric Company ("Oklahoma"), a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies. The applicant-declarant designates section 6 and Rules U-24, U-50 and U-62 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Oklahoma proposes to issue and sell pursuant to the competitive bidding provisions of Rule U-50, 65,000 shares of its Cumulative Preferred Stock, ____% Series ("New Preferred Stock"), of the par value $100 per share, and to apply the net proceeds thereof to the payment, in part, of its construction expenditures for the year 1948 estimated in the amount of approximately $11,750,000. The dividend rate on the New Preferred Stock (to be a multiple of 1/10 of 1% of the par value) and the price per share to be received by Oklahoma (to be not more than $102.75 per share nor less than $100 per share) are to be determined by competitive bidding.

In connection with the proposed issue and sale of the New Preferred Stock, Oklahoma proposes to make appropriate amendments to its Articles of Incorporation so as to provide for the authorization of 150,000 shares of Cumulative Preferred Stock of the par value of $100 per share.

Applicant-declarant has requested that the ten-day-notice period, provided by the provisions of Rule U-50 (b), for the invitation of bids for the purchase of said New Preferred Stock be shortened to six days.

Applicant-declarant has filed applications with the Corporation Commission of Oklahoma and the Arkansas Public Service Commission seeking approval of the proposed issuance and sale.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on March 16, 1948, at 10:00 a. m., e. s. t., at the offices of this Commission, 425

Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before March 15, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

(a) Whether the proposed issue and sale of New Preferred Stock by Oklahoma is exempt from the provisions of section 7 of the act pursuant to the provisions of section 6 (b) of the act, and if so, what terms and conditions, if any, should be imposed in the public interest or for the protection of investors or consumers.

(b) Whether the terms and conditions of the proposed issue and sale of the New Preferred Stock by Oklahoma are detrimental to the public interest or to the interests of investors or consumers.

(c) Whether the proposed amendment to its Articles of Incorporation by Oklahoma is subject to the requirements of section 6 (a) of the act, and if so, whether it satisfies the requirements of section 7 (e) of the act.

(d) Whether the proposed accounting entries to be recorded in connection with the proposed transactions are proper and conform with sound accounting principles and meet the standards of the act.

(e) Whether the fees, commissions, and other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Oklahoma Gas and Electric Company, Federal Power Commission, the Arkansas Public Service Commission, and the Corporation Commission of the State of Oklahoma; that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission, distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2105; Filed, Mar. 9, 1948; 8:49 a. m.]

[File No. 70-1758]

ENGINEERS PUBLIC SERVICE CO., INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 2d day of March A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the Act") by Engineers Public Service Company ("Engineers"), a registered holding company. The applicant designates section 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than March 12, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 12, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Engineers, which owns 162,612 shares (less than 10%) of the common stock of Virginia Electric and Power Company ("Virginia"), proposes to acquire certain subscription rights to be distributed by Virginia to its common stockholders of record on March 15, 1948 on the basis of one right for each share of common stock held. Engineers also proposes to sell such rights through various members of the New York Stock Exchange at the best market price obtainable. Applicant states that the sale of the subscription rights is exempt from the provisions of the act by virtue of Rule U-44 (b) promulgated thereunder. It is stated in the application that for each twenty-five subscription rights held, the holder thereof is entitled to purchase at $100, a $100 face value Convertible Debenture, due 1963. The subscription period will end at 3:00 p. m., April 5, 1948. The application further states that the only expense in connection with the proposed transaction, other than the regular brokerage commission in connection with the sale of its rights, will be legal fees estimated at $500 and that no State Commission or Federal Commission (other than this Commission) has jurisdiction over the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2108; Filed, Mar. 9, 1948; 8:50 a. m.]

[File No. 70-1761]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of March A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Public Service Company of New Hampshire ("New Hampshire") a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant designates the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 10, 1948, at 5:30 p. m., e. s. t. request the Commission in writing that a hearing be held on such matter, stating the nature of his interests, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities & Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 10, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

New Hampshire proposes to borrow from one or more banks, from time to time prior to April 1, 1948, an amount not in excess of $3,200,000 (including $2,020,000 presently outstanding short-term obligations) and to issue, from time to time, in evidence thereof its promissory notes with the maturity of not more than nine months from the issue thereof and with an interest rate not in excess of 2% per annum. It is stated that the company must borrow an additional amount of $700,000 on or before March 11, 1948, and a further sum, which will not exceed $480,000 before March 31, 1948, in order to meet its financial requirements prior to the proposed sale of additional shares of common stock, the proceeds from which will be used to repay such notes.

It is represented by applicant that the proposed transactions are not subject to the jurisdiction of the New Hampshire Public Service Commission, the State Commission of the State in which applicant is organized and doing business.

The amount of notes proposed to be issued by New Hampshire is in excess of 5% of the principal amount and par value of outstanding securities of the company. The Company requests authorization, pursuant to the first sentence of 6 (b) of the act, to issue such notes.

New Hampshire requests that the Commission's order be issued on or before March 11, 1948, and that such order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-2107; Filed, Mar. 9, 1948; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10694]

CATHARINE EHMEN

In re: Estate of Catharine Ehmen, deceased. File No. 017-23371.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wessels Jordan, Johann Gerhard Wessels, Heinrich Diederich Wessels, Marie Wilhelmine Lange, Johann Weinrank, and Anton Weinrank, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Catharine Ehmen, Deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Peoria County, Illinois, as depositary, acting under the judicial supervision of the Probate Court, Peoria County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2126; Filed, Mar. 9, 1948; 8:52 a. m.]

[Vesting Order 10707]

JOHN REIFF

In re: Estate of John Reiff, deceased. File No. D-28-7495; E. T. sec. 7787.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosina Wilhelmine Meier (nee Reiff), Johann Friedrich Reiff, Katharina Wilhelmine Gawlick (nee Reiff, a/k/a Minna Gavlik), Johann Paul Fischer, Wilhelm Fischer, and Erwin Fischer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of John Reiff, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Helena Reiff, as administratrix, acting under the judicial supervision of the Probate Court of Butler County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2127; Filed, Mar. 9, 1948; 8:52 a. m.]

[Vesting Order 10734]

JOHANNA REIS

In re: Estate of Johanna Reis, deceased. File No. D-66-1476; E. T. sec. 9541.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Behrendt, Maria Minczynski, Franciska Kocieniewski, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in sub-paragraph 1 hereof in and to the Estate of Johanna Reis, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William I. O'Neill, Public Administrator for Milwaukee County, as administrator, acting under the judicial supervision of Milwaukee County Court, in Probate, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2128; Filed, Mar. 9, 1948; 8:52 a. m.]

[Vesting Order 10745]

HANS (JOHN) MAYER

In re: Automobile owned by Hans (John) Mayer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans (John) Mayer, whose last known address is Talheim, Kr. Tübingen, French Zone, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) 2-door sedan 1942 Dodge automobile, bearing the serial number 30614869 and the motor number D-22-37245, presently in the possession of Gottlieb Haug, 74 Berkshire Place, Irvington, New Jersey,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2129; Filed, Mar. 9, 1948; 8:53 a. m.]

[Vesting Order 10746]

OAK COMMERCIAL CORP. AND ARAMO-STIFTUNG

In re: Oak Commercial Corporation and stock and currency owned by Aramo-Stiftung.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That all the issued and outstanding capital stock of Oak Commercial Corporation, a corporation organized under the laws of the State of New York and a business enterprise within the United States, consisting of 100 shares of $100.00 par value common stock, registered in the name of Frank Rashap, is owned by Aramo-Stiftung and is evidence of ownership and control of Oak Commercial Corporation;

2. That the property described in Exhibit A, attached hereto and by reference made a part hereof, is presently located in safe deposit box No. 15-172 leased to Oak Commercial Corporation by the Chase Safe Deposit Company, Mercantile Branch, 115 Broadway, New York, New York;

3. That the property described in subparagraph 2 hereof was transmitted to Oak Commercial Corporation by the Swiss Bank Corporation and Rahn & Bodmer, banking institutions at Zurich, Switzerland, by order of Aramo-Stiftung, Vaduz, Lichtenstein;

4. That Aramo-Stiftung is a corporation, partnership, association or other organization, organized under the laws of Lichtenstein, which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Lichtenstein;

5. That the property described in subparagraphs 1 and 2 hereof is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Aramo-Stiftung;

and it is hereby determined:

6. That Aramo-Stiftung is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person or persons within such country and is a national of a designated enemy country (Germany);

7. That Oak Commercial Corporation is controlled by or acting for or on behalf of, Aramo-Stiftung, a national of a designated enemy country (Germany), and is a national of a designated enemy country (Germany); and

8. That the national interest of the United States requires that Aramo-Stiftung and Oak Commercial Corporation be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 1 and 2 hereof, together with any and all rights thereunder and thereto and all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of Oak Commercial Corporation and of all property of any nature whatsoever situated in the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to Oak Commercial Corporation is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Cash and Securities in Safe Deposit Box Number 15-172 at Chase Safe Deposit Company, Mercantile Branch, 115 Broadway, New York, New York.

United States Currency—Federal Reserve Bank Notes Series of 1934 $10,000 Denomination

Numbers:	Numbers:	Numbers:
B00000446A	B00000561A	B00000672A
B00000569A	B00000562A	B00000972A
B00000570A	B00000574A	B00000358A
B00000571A	B00002245A	B00000399A
B00000572A	B00000198A	B00000398A
B00000171A	B00000010A	B00000250A
B00000551A	B00000573A	B00000348A
B00000705A	B00000026A	B00000849A
B00000704A	B00002357A	B00001096A
B00000713A	B00001912A	B00001097A
B00000712A	B00001911A	B00000382A
B00000711A	B00001910A	B00000381A
B00000710A	B00001909A	B00000380A
B00000709A	B00001908A	B00000379A
B00000708A	B00001907A	B00000733A
B00000706A	B00001906A	B00000732A
B00000552A	B00001905A	B00000731A
B00000553A	B00001904A	B00000730A
B00000554A	B00001903A	B00000729A
B00000555A	B00002356A	B00000728A
B00000556A	B00000178A	B00000727A
B00000557A	B00000678A	B00001095A
B00000558A	B00000235A	B00000371A
B00000559A	B00002359A	B00000291A
B00000560A	B00000049A	B00000115A

Total	$750,000.00
Eight (8) $1000 bills	8,000.00
Six (6) $100 bills	600.00
Three (3) $1 bills	3.00
	758,603.00

SECURITIES

Description and Number of Shares or Par Value

United States of America 3% Treasury Bonds dated June 15, 1934, and due June 15, 1948—No. 2B @ $10,000 with 6-15-40 s. c. a.: $10,000.

Standard Oil Company of New Jersey—Capital Stock Certificate No. B517125 @ 100 shares, n. o. Dominick & Dominick, end.: 100 shares.

United States Steel Corporation Preferred Capital Stock, Certificate No. D215347 @ 100 shares, n. o. August Belmont & Co., end.: 100 shares.

The Chesapeake and Ohio Railway Company Common Stock, Certificate No. C115454 @ 100 shs., n. o. J. & W. Seligman & Co., end.: 100 shares.

Electric Bond and Share Company Common Stock Certificate Nos. N151577 @ 100 shs., N0465740 @ 67 shs., n. o. J. & W. Seligman & Co., endorsed: 167 shares.

Union Pacific Railroad Company Common Capital Stock Certificate No. A490838 @ 50

shs., n. o. J. & W. Seligman & Co., end.: 50 shares.

American Home Products Corporation—Certificate of Stock Ctf. No. 40164 @ 100 shs., n. o. Brown Brothers Harriman & Co., end.: 100 shares.

Bethlehem Steel Corporation Common Stock Ctf. Nos. K70751–K66540 @ 100 shs. ea., n. o. Brown Brothers, Harriman & Co., end.: 200 shares.

The Borden Company—Certificate of Stock Ctf. Nos. C3378/82 @ 100 shs. ea., n. o. Brown Brothers Harriman & Co., end.: 500 shares.

Commercial Solvents Corporation—Common Stock Ctf. Nos. A133654–A133238 @ 100 shrs. ea., n. o. Brown Brothers Harriman & Co., end.: 200 shares.

Corn Products Refining Company—Common Stock Ctf. No. C153066 @ 100 shs., n. o. Brown Brothers Harriman & Co., endorsed: 100 shares.

E. I. du Pont de Nemours & Company—Common Stock Ctf. Nos. F166343/4–F175016 @ 100 shs. ea., n. o. Brown Brothers, Harriman & Co., end.: 300 shares.

General Electric Company—Common Stock Ctf. Nos. NYC756894/5 @ 100 shs. ea., n. o. Brown Brothers, Harriman & Co., end.: 200 shares.

Gillette Safety Razor Company—Common Stock Ctf. Nos. NC65214/5 @ 100 shs. ea., n. o. Brown Brothers, Harriman & Co., end.: 200 shares.

International Harvester Company—Common Stock Ctf. No. HN86028 @ 100 shs., n. o. Brown Brothers, Harriman & Co., end.: 100 shares.

The International Nickel Company of Canada, Limited—Common Stock Ctf. Nos. NA310118/130–NA372873–NA353143 @ 100 shares each, n. o. Brown Brothers, Harriman & Co., end.: 1,500 shares.

Montgomery Ward & Co., Incorporated—Common stock Ctf. Nos. NC271459–NC229648 @ 100 shs. ea., n. o. Brown Brothers, Harriman & Co., end.: 200 shares.

Montgomery Ward & Co., Incorporated—Common Stock Ctf. Nos. NC0435253–NC0565533 @ 40 shs. ea., NC0521394 @ 27 shs., NC0572345 @ 35 shs., n. o. Brown Brothers, Harriman & Co., end.: 142 shares.

National Distillers Products Corporation—Common Stock Ctf. Nos. C79964/5–C80045 @ 100 shs. ea., F118224–F77712 @ 50 shs. ea., n. o. Brown Brothers, Harriman & Co., end.: 400 shares.

Pacific Gas and Electric Company—Common Stock Ctf. Nos. NC79084/5 @ 100 shs. ea., n. o. Brown Brothers, Harriman & Co., end.: 200 shares.

Sears, Roebuck & Co.—Capital Stock Ctf. Nos. N134511–N149820 @ 100 shs. ea., n. o. Brown Brothers, Harriman & Co., end: 200 shares.

Argentine Republic Sinking Fund External Conversion Loan 4% bonds due April 15, 1972, Nos. M8298–15646–25915/7–17250/2–11957/9–25882–18841/7–21077/9–14550/1–15420/1–24976/8–27620–27221–23325/6–15837–561–27076/9–32182/96–24979 @ $1,000, each with 4–15–40 s. c. a.: $55,000.

American Power & Light Company—Preferred Stock Ctf. No. 29300 @ 100 shs., n. o. E. F. Hutton & Co., end.: 100 shares.

American Telephone & Telegraph Company—Capital Stock Ctf. Nos. NM 74269 @ 50 shs., G130740/4 @ 100 shares each, n. c. Gunther & Co., endorsed: 550 shares.

Bethlehem Steel Corporation—Common Stock Ctf. No. K74187 @ 100 shares, n. o. Gunther & Co., endorsed: 100 shares.

The Chesapeake and Ohio Railway Company—Common Stock Ctf. N. 185029 @ 100 shs., n. o. Gunther & Co., end.: 100 shares.

Montgomery Ward & Company, Incorporated—Common Stock Ctf. Nos. NC 261906–NC261908 @ 100 shares, ea., NC0605256 @ 28 shs., n. o. E. F. Hutton & Co., end.: 228 shares.

Standard Oil Company of New Jersey—Capital Stock Ctf. Nos. B539812/4–B540488/9 @ 100 shs., ea., n. o. Gunther & Co., end.: 500 shares.

Tubize Chatillon Corporation—Common Stock Ctf. Nos. C017572 @ 85 shs., C11464/7 @ 100 shs., ea., n. o. Gunther & Co., end.: 485 shares.

United States Steel Corporation—Preferred Capital Stock Ctf. Nos. D226022/3 @ 100 shs., ea., n. o. Gunther & Co., end.: 200 shares.

The Chesapeake and Ohio Railway Company Preference Stock, Series A Ctf. No. PA/O 37750 @ 2 shs., n. o. Gunther & Co., end.: 2 shares.

and all declared and unpaid dividends on the above securities.

[F. R. Doc. 48–2093; Filed, Mar. 8, 1948; 8:50 a. m.]

[Vesting Order 10749]

BERTHA ARMBRUSTER

In re: Trust deed of Bertha Armbruster. File No. D–28–12111 G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Sophia Harzer and Frau Ruth Schips, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in, to and arising out of or under that certain trust agreement dated October 11, 1944, by and between Bertha Armbruster, settlor, and The Pennsylvania Company for Banking and Trusts, Philadelphia, Pennsylvania, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–2130; Filed, Mar. 9, 1948; 8:53 a. m.]

[Vesting Order 10762]

KARL AND PAULINA GOBMEIER

In re: Debt owing to Karl Gobmeier and Paulina Gobmeier. F–28–28225–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Gobmeier and Paulina Gobmeier, whose last known addresses are Oberhosching, Post Landau A/D Isar, Niederbayern, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Buffalo Savings Bank, Main and Genesee Streets, Buffalo, New York, in the amount of $1,586.01, as of December 31, 1945, evidenced by an outstanding New York Draft, Number 52466, dated January 20, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karl Gobmeier and Paulina Gobmeier, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–2131; Filed, Mar. 9, 1948; 8:53 a. m.]

[Vesting Order 10767]

LOUISE STETTER

In re: Debt owing to Louise Stetter. F–28–28478–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Stetter, whose last known address is Buchen in (Baden) Odenwald, Marktstr. 30, Zum Ross (17a), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Louise Stetter, by Joseph A. Wittemann, 48 Jennings Lane, North Plainfield, New Jersey, in the amount of $1,600.00, as of June 14, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2132; Filed, Mar. 9, 1948; 8:53 a. m.]